

THE  
LAWS and ACTS  
Made in the FIFTH SESSION of the FIRST  
PARLIAMENT  
*Of Our Most High and Dread SOVERAIGN*  
WILLIAM,

*By the Grace of GOD, KING of SCOTLAND,  
ENGLAND, FRANCE, and IRE-  
LAND, Defender of the Faith.*

Holden and Begun at EDINBURGH, May 9. 1695.  
By J O H N Marquess of Tweeddale, Earl of Gifford, Viscount of Walden,  
Lord Hay of Yester, and Lord High Chancellor of this Kingdom.

His *Majesties* High Commissioner for Holding the same,  
By Vertue of a COMMISSION under His *Majesties* Great Seal of this  
Kingdom.

With the special Advice and Consent of the Estates of Parliament.

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*Collected and Extracted from the Registers and Records of Parliament, by  
GEORGE Viscount of Tarbat, Lord Mcleod, and Castlehaven, &c.  
Clerk to His Majesties Councils, Exchequer, Registers and Rolls, &c.*

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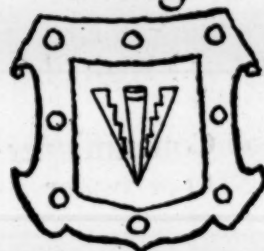


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EDINBURGH,  
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CUM PRIVILEGIO.

Lord Crewe's  
Charity



Durham, England





# LAW S and ACT S

Made in the FIFTH SESSION of the FIRST

# PARLIAMENT

*Of Our Most High and Dread SOVERAIGN*

# WILLIAM,

*By the Grace of GOD, KING of SCOTLAND,  
ENGLAND, FRANCE, and IRE-  
LAND, Defender of the Faith.*

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Holden at *EDINBURGH* the 9 Day of *May*,

1695.

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I.

## *ACT for a Solemn Fast.*

*May 16. 1695.*



THE ESTATES OF PARLIAMENT, Taking to their Consideration, the great Important War, wherein His MAJESTY continueth to be necessarily Engaged, for Defence of the True Reformed Religion, the Safety of this, and His other Kingdoms, and the Recovery and Establishment of the Rights, Liberties and Peace of the rest of *Christendom*, so much at this time Invaded and Disturbed, with the continual Hazards, to which His Majesties Sacred Person is thereby exposed;

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As likewise the Dangers which do thence threaten this Kingdom, and all that can be dear to His Majesties good Subjects therein, either as Christians, or Men, both by Invasion from abroad, and the froward Disaffection, and restless Machinations of evil and unnatural Countrey-men at home; And how much it is the Duty and Interest of all good Men, for these Causes, and on this Occasion, to implore the Mercy, Favour and Blessing of Almighty GOD, for Preservation of His Majesties Royal Person, and Directing, Assisting and Prospering Him in all his Councils and Undertakings : And more especially, that GOD would countenance and assist Him in the present War, give Him Success to His Arms by Sea and Land, and defeat all the Designs, Councils and Practices of His secret and open Enemies, both at Home and Abroad, for the Preservation of the True Protestant Religion, securing the Safety of these Kingdoms, and the happy restoring the Peace of Europe. And the Synod of *Lothian and Tweeddale*, now met at *Edinburgh*, having made Application to my Lord Commissioner for this end : Therefore His Majesty, with Advice and Consent of the said Estates of Parliament, doth hereby Command and Appoint, that the second *Thursday* of *June* next, being the thirteenth day of the said Moneth, be set a part as a day of solemn Fasting and Humiliation, for making Prayers and Supplications to GOD, for the Ends above-mentioned; and that the said day be Religiously and Strictly Observed by all Persons within this Kingdom ; And Ordains all Ministers to read these presents publickly in their Congregations a *Sunday* at least before the said second *Thursday* of *June* next, appointed for keeping the said Fast ; Certifying such of the Leidges who shall not give due Obedience, or shall Contemn or Neglect the Keeping and Observing the said Day and Duties, that they shall be proceeded against by Fyning, not exceeding One hundred Pounds Scots Money, And Warrants and Commands the Sheriffs, Stewarts of Stewartries, Lords and Baillies of Regalities, and their Deputs, Justices of Peace, Magistrates of Burghs, within their several Jurisdictions, to proceed against the persons guilty, and exact the Fines accordingly, to be applyed, the one half to the Judge, and the other half to the Poor of the Paroch ; And certifying such Ministers as shall fail in their Duty, in not reading this Proclamation, and observing the Duties therein prescribed, they shall be processed before the Lords of His Majesties Privy Council. And hereby requires all Sheriffs, Stewarts, Lords and Baillies of Regalities, and their Deputs, Justices of Peace, Magistrates of Burghs, and their Clerks, to make Report to the Lords of His Majesties Privy Council, of these Ministers who shall fail of their Duty herein. And Ordains these Presents to be Printed, and Published at the Mercat Crois of *Edinburgh*, and hail remanent Crosses of the Head Burghs of the several Shires, and Stewartries within this Kingdom, that none may pretend Ignorance : And that Copies be dispatched in the usual manner, to the Sheriffs and Stewarts, Baillies of Regalities, or their Deputs, and Magistrates of Burghs ; as likewise to all Ministers, that they may seriously exhort all Persons to a sincere and devout Observance of the Premisses.



I I

*A C I Regulating Citations before the  
Parliament.*

May 28, 1695.



HIS MAJESTY, with the Advice and Consent of  
 the Estates of Parliament, finding it necessary that  
 the order of summonding private Parties to appear  
 before them be cleared and regulat, Do therefore  
 STATUTE and ORDAIN, that the manner of  
 summonding privat Parties, in Actions raised either  
 before, or during the sitting of the Parliament, shall  
 be for hereafter, and from the Day and Date here-  
 of in this manner, viz. That in prosecution of Protefts for remeid of  
 Law, the Party at whose instances Summonds is to be granted, may give  
 in his Bill, containing the matter of his Cause or Complaint, Signed by  
 himself, or an Advocat for him, which being subscribed by one of the six  
 Clerks of Parliament, and presented before the sitting of the Parliament,  
 to any of the Officers of State, or the time of the sitting of the Parliament  
 to the Lord Chancellor, or President of the Parliament for the time, or  
 any of the said Officers of State, the same may be by them past in Course,  
 and that as to all other Causes that may be brought before the Parliament,  
 Summonds and Warrands for Citation shall for hereafter only be granted  
 by deliverance either of Parliament in time of Parliament, or of the Lords  
 of Session upon a summar Citation, to abide neither Continuation or Roll  
*in presentia*, in the Recesses and Intervalls of Parliament, upon a Bill con-  
 taining Subscribed and Presented as above, and no otherwise: which War-  
 rands for Citation being granted, Summonds in His Majesties Name  
 shal be thereon directed, to Macers, if the Party cited be within the Town  
 of *Edinburgh*, for summonding the said Party, if within the said Town of  
*Edinburgh*, on fourty eight hours, and if else where within the Kingdom,  
 ( excepting *Orkeny* and *Zetland* ) upon fifteen days warning, or if in *Ork-*  
*nay* or *Zetland*, upon fourty days personally, or at his dwelling House; or  
 if without the Kingdom, upon sixty days warning, at the Mercat Crosse  
 of *Edinburgh* and Peer and Shoar of *Leith*, to compear before His Maje-  
 sty, and the said Estates of Parliament, where and when the Parliament shal  
 be appointed to meet, or shall be met for the time, with continuation of  
 days, and with certification. And also, for summonding of Witnesses, as  
 is usual before the Lords of Council and Session, which Summonds to be  
 expedie by deliverance, as said is, shall pass under the Signet of the Sessi-  
 on; and the Party at whose instance the same is raised, shal pay to the  
 Clerk of Parliament or Session aforesaid, for writing and subscribing of  
 the

the Bill and Letters, the Sum of twelve Pound *Scots*, and no more, on any pretence whatsoever, and for affixing the Signet the Sum of three Pounds *Scots* and no more : Declaring that if any Adjournment of Parliament one or more shall happen to interveen, betwixt the giving of Citations, in manner foresaid, and the day of Compearance, the foresaid Summons shall nevertheless still stand in force, for obliging the Parties and Witnesses summoned to compear at the day to which the Parliament shall be adjourned, and when ever the same shal first meet. And furder, it is hereby declared, that at the said day of Compearance before the Parliament, being so meet, or any other lawful day thereafter, it shall be leasome to the Clerks of Parliament, at the desire of the Party pursuer, to call the foresaid Summons, after the opening of the House, and before the sitting down of the Parliament, at the patent Gate of the Parliament-house, and if the Party summoned compear, to mark the same, that the Summons with the Executions, and the other Peices produced by the Pursuer may be given out to see and answer, to the effect the same may be seen and returned, within six days in the common Form, and so the Cause or Complaint may be ready prepared for the Parliament, to proceed therein, when the same shall be again called in their presence : providing always, that no Decrees be given out in absense, but upon special Application to, and Sentence pronounced by the Parliament, and no otherwise. And excepting always from this Act, all Summons of Treason, and for other publick Crimes, and Executions, and Proccesses thereupon, which are to proceed as formerly. And lastly, providing that the foresaid Citations to be made by deliverance of the Lords of Session shal found no exception of Prejudiciality against any Party, in any Action, may be raised, until the foresaid Citation be called before, and sustained by the Parliament.

## I I I.

*ACT Adjourning the Summer-Session till the first of July 1695.*

*May 30. 1695.*



UR SOVERAIGN LORD Considering that the sitting of the Parliament, begun the ninth of *May* instant, may continue for the Month of *June* next, whereby the Liedges cannot attend the Summer Session in its ordinar time ; Do therefore, with Advice and Consent of the Estates of Parliament, Adjourn the Session ( which should be in course the first of *June* next ) to the first of *July* next, continuing all Actions and Causes depending before the Lord of Session to the said first of *July* : And his Majesty dispenses in the mean time, with the sitting



sitting of all inferor Courts, as if the Session had not been adjourned, and notwithstanding of the sitting of the Parliament: And further Declares, that the time and space to run, betwixt the said first of *June* and the first of *July*, shall not be reckoned in any short Prescription. And Ordains these Presents to be published at the Mercat-Cross of *Edinburgh*, and to be forthwith Printed, that the Leidges may be thereby certified thereof.

## IV.

*ACT anent the Justice Court.*

*June 7. 1695.*



OUR SOVERAIGN LORD, for the better Regulating of the Justice Court, and Facilitating and more sure Ordering of the Form and Method of Process therein used: Do therefore, with Advice and Consent of the Estates of Parliament, Statute and Ordain, that in all time coming, the Use and Custom hitherto observed in that Court of Advocats or Procurators their Dictating, and the Clerks writing of the Defences, Duplies, Triplies, Quadruples and so furth, for the Defender and Pursuer be discharged and laid aside, and that in place thereof, His Majesties Advocat, or other Advocats or Procurators for the Pursuer, with the Advocats or Procurators for the Defender or Pannel debate the Relevancy *viva voce*, and that after the said Dispute *viva voce* is ended, then time be allowed by the Lords and Judges of the said Court, to the effect after-mentioned, and that the Kings Advocat, or Advocats, or Procurators for the Pursuer, do within the space of fourty eight hours, give in to the Clerk his Information in Writing, subscribed with his hand, that the Advocats or Procurators for the Pannel may take it up, and give in their Answers in Writing also under their Hands, within other fourty eight hours, which Information and Answers shall be by the Clerk recorded in the Books of Adjournal, in place of the foresaid written Dispute formerly in use, and then at the Advising the said Information and Answers, shall be first read in open Court, and if any thing be found new on either side, and not noticed by the other Party, the Parties or Judges shall point the same to the other Party concerned, and hear both Parties thereon *viva voce*, the Clerk minuting in presence of, and at sight of the said Judges what is so further Debated, and then the said Judges shall proceed to the Advising. And His Majesty with Advice and Consent foresaid, Ratifies, Approves, and Confirms the whole Rights, Powers and Priviledges of the said Court of Justice, and of the Lord Justice-General, Lord Justice-Clerk and other Judges, & all other Members thereof. And it is further hereby Statute & Ordained, that in all capital Crimes wherein inferior Criminal Courts were hitherto restricted, to try and execute within three Suns, this time shall be hereafter restricted to the Tryal and Sentence only,

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but not to the time of Execution, which is hereby left to the Discretion of the Judge, not exceeding nine days after Sentence.

## V.

*ACT Anent Principals and Cautioners.*

June 7. 1695.



**H**IS MAJESTY and the Estates of Parliament, Considering the great Hurt and Prejudice, that hath befallen many Persons and Families, and oft times to their utter Ruine and Undoing, by mens Facility to engage as Cautioners for others, who afterwards failing, have left a growing Burden on their Cautioners without Relief: Therefore, and for Remeid thereof, His Majesty with Advice foresaid, Statutes and Ordains, that no man binding or engaging for hereafter, for and with another, Conjunctly and Severally, in any Bond or Contracts for Sums of Money, shall be bound for the said Sums for longer than seven years after the Date of the Bond, but that from and after the said seven years, the said Cautioner shall be *eo ipso* free of his Caution; And that whoever is bound for another, either as expresse Cautioner, or as Principal, or Co-principal, shall be understood to be a Cautioner, to have the Benefit of this Act; Providing, that he have either Clause of Relief in the Bond, or a Bond of Relief a part, intimat personally to the Creditor at his receiving of the Bond, without prejudice always to the true Principals, being bound in the whole Contents of the Bond or Contract; As also, of the said Cautioners being still bound, conform to the Terms of the Bond within the said seven years, as before the making of this Act; As also providing, that what legal Diligence by Inhibition, Horning, Arrestment, Adjudication, or any other way, shall be done within the seven years by Creditors against their Cautioners, for what fell due in that time, shall stand good, and have its Course and Effect after the Expyring of the seven years, as if this Act had not been made.



## VI.

## ACT Regulating the Sale and Payment of Bankrupts Estates.

June 18. 1695.



HIS MAJESTY with Advice and Consent of the Estates of Parliament, for the further Clearing and Explaining of former Laws, anent the Sale of Bankrupts Estates, Statutes, Enacts, and Declares, that it shall be lawful to all Purchasers of Bankrupts Estates, after the space of one year, counting from the Decreet of Sale, and to such as have obtained DECREETS of Sale, after the Term of *Whitsunday* one thousand six hundred and ninety six years, to consign the whole Price offered, with the Annualrent due at the time of the Consignation, or so much thereof, as remains in the hands of the Purchaser, over and above what is warrantably payed to Creditors preferred by the Lords of Session, in the hands of the Magistrats and Town Council of *Edinburgh* and their Thesaurer for the time, who are hereby obliged and ordained to receive the same, upon their Receipt in the Terms after-mentioned: And for the greater benefit of the Creditors, are further allowed to keep in their hands the consigned Money, for the space of a year from the next Term of *Candlemass, Whitsunday, Lambmass, or Martinmass* after the Consignation, upon payment of three *per Cent.* of Annualrent, ay and while it be called for: And the said Magistrats, Town Council, and Thesaurer of *Edinburgh* for the time, shall be, and are hereby oblidge to make forthcoming, the consigned Money in whole, or in part, with the Annualrent thereof, at three *per Cent* as said is, according as they shall be ordered by the saids Lords of Session, with Certification if they failzie, that they shall be charged with Horning for that effect, and shall be thereafter lyable, not only in the tenth part of the principal Sum, called for in name of Penalty; But also in the ordinary Annualrent of the said principal, ay and while the compleat payment thereof. And because Purchasers of Lands affected with Liferents, have Retention of a share of the Price: It is hereby Declared, that the Purchaser shall be allowed to consign what remains in his hands, after the Decease of the Liferenter in manner foresaid; he always, making due Intimation of the Consignation to the Creditors who got the rest of the Price. And His Majesty with consent foresaid, Statutes, Enacts, and Declares, that the Purchaser paying the price offered to the Creditors, according as they are or shall be Ranked and Preferred by the Lords of Session, or consigning the same in manner foresaid, shall be forever exonerated, and that the Security given for the Price, shall be delivered up to be cancelled, and the Lands and others Purchased and Acquired, disburdened of all Debts or Deeds

of the Bankrupt or his Predecessors, from whom he had Right, and that the Bankrupt, his Heirs, or appearand Heirs, or Creditors without Exception of Minority, not compearing as conceiving themselves to be prejudged, shal only have access to pursue the receivers of the Price and their Heirs, and reserving to the Minor Lesed his Relief as accords: And further, His Majesty with Advice and Consent foresaid, doth hereby Authorize the Lords of Session, to grant warrand for charging the Magistrates and Thesaurer of *Edinburgh* for the time, to make payment of the Sums consigned to the severall Creditors according to their Preferences, upon the saids Creditors their severall Applications to the Lords, and consigning in the Clerks hands, Disposition and Conveyances in favours of the Purchasers, in so far as their severall Rights may affect the Purchase; As also; in case any debate remain undetermined amongst the Creditors anent their Preference, it shal be lawful to the saids Lords, upon Application of the saids Creditors, to grant warrand for uplifting and employing the Sums consigned, upon sufficient security bearing Annualrent.

## VII.

**ACT For six Months Supply upon the Land Rent.**

June 20. 1695.



He Estates of Parliament taking into their Consideration, the Dangers that still threaten this Kingdom, by reason of the Continuance of the present War, which visibly require the keeping up of the standing Forces, and the Supplies necessary for their Maintainance; Do therefore humbly and cheerfully for themselves, and in name of this Kingdom whom they represent, make offer to His Majesty of a Supply of Four hundred thirty two thousand Pound, extending to six Months Cess; which new Supply, is to be raised and uplifted out of the Landrent of this Kingdom in the same manner, and conform to the Proportions of the Shires and Burghs contained in the sixth Act of the second Session of this Current Parliament, dated the seventh day of *June* 1690, providing always that the Proportions of Burghs, be rated and payed as their Tax-roll now is, or shall be settled by themselves; and this Supply to be payed in two parts, either answering to three Months Cess, *viz.* Two hundred and sixteen thousand pounds, as being the first half thereof, to be payed betwixt and the first day of *August*, in this present year One thousand six hundred and ninety five: and the other two hundred and sixteen thousand pound, as the other half thereof, betwixt and the first of *February*, One thousand six hundred ninety six years. And His Majesty considering that this Supply is granted for such a necessary use, Doth  
with



with Advice and Consent of the Estates of Parliament, Declare, that no Person or Persons shall be Exempted from payment of their proportions of this Supply for their Lands, upon any pretext whatsoever (excepting Mortified Lands, and the Lands of *New-milns*, belonging to the Woolen-Manufactory there, for which mortified Lands, and Lands of *New-milns* Deduction is to be allowed in the *Quota* of the respective Shires) notwithstanding of any former Law, Privilege, or Act of Parliament in the contrary. And His Majesty with Advice and Consent foresaid, doth Nominat and Appoint the same Persons, who are named in the foresaid Act of Parliament, who are alive, and have qualified themselves according to Law, or shall qualifie themselves betwixt and the last *Tuesday* of *July* next to come, and such others as have been since Nominat by the Privy Council, to be Commissioners for ordering and uplifting this Supply; with the same power to them, to Choise their own Clerk, and to do every thing that may concern the said Supply, as is prescribed and appointed by the said Act, holding the same as repeated herein, and Ordains the same Execution to pass for in-bringing thereof, as is provided by that Act in all points. And Ordains the first Meeting of the saids Commissioners for the Shires, to be at the Head-Burghs thereof upon the third *Tuesday* of *July* next, at ten of the Clock, for the Shires on this side of the River of *Tay*: And the last *Tuesday* of *July* next, for the Shires benorth *Tay*. And requires the Sheriffs and Stewarts, or their Deputs, to intimat the same to the Commissioners of the respective Shires and Stewartries, with power to them to appoint their subsequent Dyets of Meeting and their Conveener from time to time: And also to appoint Collectors with sufficient Caution, as they shall think fit. And commits to His Majesties Privy Council, upon the Death or not Acceptance of any of the Commissioners of Supply, appointed by this Act, to Nominat and Appoint others in their places. And His Majesty with Advice and Consent foresaid, does Declare, that all Clauses contained in the former Acts of Parliament, and Convention of Estates, in Relation to the in-bringing of the Cess, and Quartering, and anent Ryding Mony, shall stand in full Force as to this Supply now imposed, in the same manner as it they were insert herein, except in so far, as these Acts of Parliament or Convention, are Innovat or Altered by the foresaid sixth Act of the second Session of this current Parliament. And it is hereby Declared, that no persons lyable in payment of this Supply, shall be holden to produce their Discharges or Receipts of the same, after three years from the respective Terms of Payment, unless Diligence be done by Denunciation before elapsing of the said three years. And because by the Supply hereby granted, the Land-Rent and Burghs of this Kingdom are only burdened; And it being just that the personal Estates in Money, should bear some Proportion of the Burden: Therefore, His Majesty with Advice and Consent foresaid, Statutes and Ordains, that every Debitor owing Money within the Kingdom at six per cent of Interest, shall in the payment of his Annualrents for one year, have Retention in his own hands of one of six of the said Annualrents, and this Retention to be for the whole year *vix.* from *Whitsunday* One thousand six hundred and ninety five, to *Whit-*

*sunday* Onethousand six hundred and ninety six years. And it is hereby Declared, that it shall be Usury for any Creditor, not to grant the said Retention.

*Follows the Quota of Supply, payable Monthly by the  
several Shires of the Kingdom.*

**T**He Sherifffdom of *Edinburgh*, the sum of three thousand one hundred and eighty three Pounds, eight shillings *Scots* Money Monthly.

The Sherifffdom of *Haddington*, the sum of two thousand seven hundred and eighty two Pounds, six shillings.

The Sherifffdom of *Berwick*, the sum of two thousand eight hundred and thirteen Pounds, one shilling.

The Sherifffdom of *Roxburgh*, the sum of three thousand six hundred and eighty six Pounds, seventeen shillings, six pennies.

The Sherifffdom of *Selkirk*, the sum of nine hundred and four pounds, nine shillings.

The Sherifffdom of *Peebles*, the sum of one thousand and fourty two pounds, eight shillings.

The Sherifffdom of *Lanerk*, the sum of three thousand and ninety one pounds, twelve shillings.

The Sherifffdom of *Dumfries*, the sum of two thousand seven hundred and twelve pounds, seventeen shillings.

The Sherifffdom of *Wigton*, the sum of one thousand and four pounds, fifteen shillings.

The Stewartry of *Kirkcudbright*, the sum of one thousand six hundred and seventy four pounds, eleven shillings.

The Sherifffdom of *Air*, the sum of three thousand eight hundred and seventy pounds, five shillings.

The Sherifffdom of *Dumbarton*, the sum of seven hundred and sixty four pounds, ten shillings.

The Sherifffdom of *Bute*, the sum of three hundred and eight pounds, eight shillings, and eight pennies.

The Sherifffdom of *Renfrew* the sum of one thousand three hundred and fifty three pounds, seven shillings.

The Sherifffdom of *Striviling*, the sum of one thousand seven hundred and fifty four pounds, four shillings and six pennies.

The Sherifffdom of *Linlithgow*, the sum of one thousand one hundred and sixty nine pounds, eighteen shillings.

The Sherifffdom of *Perth*, the sum of five thousand and thirty eight pounds, fourteen shillings.

The Sherifffdom of *Kincardine*, the sum of nine hundred and eighty four pounds, one shilling.

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- The Sherifffdom of *Aberdeen*, the sum of four thousand and seventy seven Pounds, nineteen shillings.
- The Sherifffdom of *Inverness*, the Sum of thousand two hundred and thirteen Pounds, one shilling, and six pennies.
- The Sherifffdom of *Ross*, the sum of one thousand one hundred and thirty one Pounds, six shillings.
- The Sherifffdom of *Nairn*, the sum of two hundred and seventy seven Pounds, sixteen shillings.
- The Sherifffdom of *Cromarty*, the sum of two hundred and fourteen Pounds.
- The Sherifffdom of *Argyle*, the sum of one thousand nine hundred and fourty seven Pounds, ten shillings, and nine pennies.
- The Shireffdom of *Fife* and *Kinross*, the sum of five thousand one hundred and seventy two Pounds.
- The Sherifffdom of *Forfar*, the sum of three thousand two hundred and seventy three Pounds, fifteen shillings.
- The Sherifffdom of *Bamff*, the Sum of one thousand one hundred and fifty Pounds, four shillings.
- The Sherifffdom of *Sutherland*, the sum of three hundred and thirty six Pounds.
- The Sherifffdom of *Caitness*, the sum of five hundred & ninety nine Pounds five shillings.
- The Sherifffdom of *Elgin*, the sum of one thousand and fifty nine Pounds. five shillings.
- The Sherifffdom of *Orkney* and *Zetland*, the sum of one thousand and eighty eight Pounds, ten shillings.
- And the Sherifffdom of *Clackmannan*, the Sum of three hundred and fifty two Pounds, seven shillings and three pennies *Scots* money.

*Follows the Quota of Supply, payable Monthly by the  
several Burghs of the Kingdom.*

- T**He City of *Edinburgh*, the sum of three thousand eight hundred and eighty Pounds *Scots* Monthly.
- The Burgh of *Perth*, the Sum of three hundred and sixty Pounds.
- The Burgh of *Dundee*, the sum of five hundred and sixty Pounds.
- The City of *Aberdeen*, the sum of seven hundred and twenty six Pounds.
- The Burgh of *Stirling*, the sum of one hundred and seventy two Pounds.
- The Burgh of *Linlithgow*, the sum of one hundred and fifty six Pounds.
- The City of *St. Andrews*, the sum of seventy two Pounds.
- The City of *Glasgow*, the sum of one thousand and eight hundred Pounds.
- The Burgh of *Air*, the sum of one hundred and twenty eight Pounds.
- The Burgh of *Haddingtoun*, the sum of one hundred and ninety two Pounds.

The Burgh of *Dysart*, the sum of thirty Pounds.  
 The Burgh of *Kirkaldy*, the sum of two hundred and eighty eight Pounds.  
 The Burgh of *Montrose*, two hundred and fourty Pounds.  
 The Burgh of *Couper*, one hundred and eight Pounds.  
 The Burgh of *Anstruther-easter*, eighteen Pounds.  
 The Burgh of *Dumfries*, the sum of two hundred and thirty Pounds.  
 The Burgh of *Inverness*, the sum of one hundred and eighty Pounds.  
 The Burgh of *Burnt-Island* the sum of seventy two Pounds.  
 The Burgh of *Innerkeithing*, the sum of thirty Pounds.  
 The Burgh of *Kinghorn*, the sum of fourty two Pounds.  
 The Burgh of *Breichin*, the sum of fifty four Pounds.  
 The Burgh of *Irwine*, the sum of sixty Pounds.  
 The Burgh of *Jedburgh*, the sum of one hundred and two Pounds.  
 The Burgh of *Kirkcudbright*, the sum of thirty six Pounds.  
 The Burgh of *Wigton*, the sum of thirty six Pounds.  
 The Burgh of *Dumfermling*, the sum of ninety Pounds.  
 The Burgh of *Pittenweem*, the sum of thirty Pounds.  
 The Burgh of *Selkirk*, the sum of seventy two Pounds.  
 The Burgh of *Dumbarton*, the sum of thirty Pounds.  
 The Burgh of *Renfrew*, the sum of thirty six Pounds.  
 The Burgh of *Dumbar*, the sum of sixty Pounds.  
 The Burgh of *Lanerk*, the sum of sixty Pounds.  
 The Burgh of *Aberbrothock*, the sum of fifty four Pounds.  
 The Burgh of *Elgin*, the sum of one hundred and thirty eight Pounds,  
 The Burgh of *Peebles*, the sum of sixty six Pounds.  
 The Burgh of *Crayl*, the sum of thirty six Pounds.  
 The Burgh of *Tain*, the sum of thirty Pounds.  
 The Burgh of *Culross*, the sum of twenty four Pounds.  
 The Burgh of *Banff*, the sum of fourty two Pounds.  
 The Burgh of *Whithorn*, the sum of eight Pounds.  
 The Burgh of *Forfar*, the sum of twenty four Pounds.  
 The Burgh of *Rothsay*, the sum of thirty Pounds.  
 The Burgh of *Nairn*, the sum of nine Pounds.  
 The Burgh of *Forres*, the sum of twenty four Pounds,  
 The Burgh of *Rutherglen*, the sum of twelve Pounds.  
 The Burgh of *North-Berwick*, the sum of six Pounds.  
 The Burgh of *Anstruther-Wester*, the sum of six Pounds.  
 The Burgh of *Cullen*, the sum of eight Pounds.  
 The Burgh of *Lauder*, the sum of thirty Pounds.  
 The Burgh of *Kintore* the sum of nine Pounds.  
 The Burgh of *Annand*, the sum of twelve Pounds.  
 The Burgh of *Lochmabban*, the sum of eighteen Pounds.  
 The Burgh of *Sanquhar*, the sum of six Pounds.  
 The Burgh of *New-Galloway*, the sum of six Pounds,  
 The Burgh of *Kilrenny*, the sum of eight Pounds.  
 The Burgh of *Fortrose*, the sum of eighteen Pounds.  
 The Burgh of *Dingwal*, the sum of eight Pounds.  
 The Burgh of *Dornoch*, the sum of eighteen Pounds.



The Burgh of *Queensferry*, the sum of fifty four Pounds.

The Burgh of *Inverary*, the sum of twenty four pounds.

The Burgh of *Inverury*, the sum of twelve pounds.

The Burgh of *Week*, the sum of twenty pounds.

The Burgh of *Kirkwal*, the sum of seventy two pounds.

The Burgh of *Innerberoy*, the sum of six pounds.

The Burgh of *Stranraer*, the sum of twelve pounds.

Mr. John Buchan *Agent for the Burrows to make up the Quota for the Burrows One thousand two hundred pounds Scots,*

*Follows the Commissioners of Supply, Ordered by the Parliament to be given in by the Noblemen and Commissioners from the several Shires; in place of those dead, or not Qualified, since the Year 1690.*

*For the Shire of Edinburgh.*

THE Lord Ross, Sir John Gibson, Dalmenie, Sir Robert Dickson of Sornebeg, Sir George Hamilton of Barnton, Carlops, Rickartoun-Craig, James Murray of Poltoun, Mr James Dalrymple of Killoch, Baillie Alexander Calderwood in Dalkeith, Sir James Stuart His Majesties Advocat, Sir William Baird of Newbyth, Baillie John Nairn in Dalkeith.

*For the Shire of Haddingtoun.*

The Earl of Roxburgh, Lord Alexander Hay, Mr. Alexander Hume of Crichton, William Purvis younger of Ewford, James Moor of Bourhouses, John Hay of Athirstoun, John Hay of East-hope, James Rew of Chesters, Mr. Hugh Dalrymple of North-Berwick, Sir John Clerk of Pennycook, James Hume of Gamillsheils, David Maitland of Soutrae, William Skirvine of Plewlandhill, Thomas Hamilton of Olive-stob, Hoptouns Chamberlain, Patrick Cockburn of Clerkingtoun younger,

Wauchope of Stotincleugh, James Mcmorlan of the Earl of Haddingtouns Chamberlain.

*For the Shire of Roxburgh.*

The Earl of Roxburgh, the Laird of Riddel younger, the Laird of Mangertoun, the Laird of Boon jedburgh, the Laird of Timpenden, John Scot of Weems, William Turnbull of Langraw, Walter Cairncorfs of Hillslop, James Lithgow of Drygrains younger, Robert Davidson of Hownam, Andrew Young of Oxnam-side, Robert Davidson of Marchcleugh, Mr. Archibald Douglas Brother to Cavers, Gideon Eliot of North-Symptoun, William Scot of Burnhead.

*For the Shire of Selkirk.*

The Earl of Roxburgh, Francis Scot of Balzielie, William Eliot of Borthwick-brae, George Currer of Hartwood-burn, William Ogilvy of Hartwood-myres, the Laird of Gala younger, the Eldest Baillie of Selkirk for the time, Mr. John Murray Sheriff-Deput of Selkirk.

*For the Shire of Peebles.*

Adam Murray of Cardon, Alexander Monteith of Chappel-hill, Alexander Veitch younger of Glen, William Burnet of Barns, John Law of Netherurd.

*For the Shire of Lanerk.*

The Earl of Wigtoun the Earl of Selkirk, James Master of Carmichael the Laird of Lee, Sir William Hamilton of Whitelaw, one of the Senators of the Colledge of Justice, Sir William Steuart of Castle milk, John Baillie of Welstoun, John Somervell of Gladstones, Allan Lochart younger of Cleghorn, Gawin Hamilton of Raploch, the Laird of Blackwood younger, the Laird of Fern younger, the Laird of Shiel-hill, William Somervell of Corehouse, Mr. Archibald Hamilton of Dalserff, the Laird of Munkland, the Laird of Boigs, John Hamilton of Udftoun, James Anderson of Stobcoris, the Laird of Cultness younger, John Wardrop of Drummarnock, the Laird of Mauldsly, the Laird of Braidholm.

*For the Shire of Wigtoun.*

James Earl of Galloway, William Steuart younger of Castle-Stewart, Patrick Macdowal of Culgort, John Dalrymple Son to the Master of Stairs.

*For the Shire of Air.*

The Earl of Lowdoun, the Lord Kennedy, the Lord Bargany, Mr. William Cochran of Kilmarnock, the Laird of Langshaw younger, the Laird of Dunlap, the Laird of Ralstoun, Sir Archibald Muir of Thorntoun, James Crwford of Newark, Thomas Boyd of Pitcoun, the Laird of Crawfordland younger, Mr. Alexander Crawford of Fergushil, John Crawford younger thereof, James Cochran of Mayns-hill, Neivin of Munkriding, William Cunningham of Ashinyards, John Dalrymple Son to the Master of Stairs, Sir John Cochran of Ochiltrie, John Cochran of Waterside, Faucher of Gilmils-croft, William Bailie of Munktoun, James Campbel of Jurebank, the Lairds of Logan elder and younger, Hugh Crawford of Drumdow, Hugh Dowglass of Garallan, Adam Aird of Catharin, James McAdam of Waterhead, the Laird of Dunduff, Kennedy younger of Drumellan, James Riddoch of Midtown Bailie of Cumnock, Mr. William Crawford of Dalragills, David Boswal of Brae-head, David Kennedy of Kirkmichael, Mr. John Shaw of Drumgrains, Hugh Kennedy of Bennan.

*For*



*For the Shire of Renfrew.*

Poterfield of Douchil, James Hamilton of Aikenhead  
Gawin Ralstoun of that Ilk, Ludovick Houstoun of Johnstoun younger,  
Hall of Fulbarr  
barr elder and younger. Maxwells of South.

*For the Shire of Stirling*

The Lord Forrester, the Lord Cardross, the Laird of Bedlormie, John Ross of Nuick, Archibald Buntin of Balglaß, George Buchannan of Bal-lachrum, Thomas Buchannan of Roquhan, John Buchannan of Craigyvairn, Walter Buchannan of Balfunning, John Mc'Lauchlan of Auchin-troig, Duncan Buchannan of Harperstoun, John Forrest of Pardiven, David Forrester of Denovane, John Cuthil of Stoniewood, James Rankin of Balhumilzear, Thomas Crawford of Manuel miln, John Camp-bel younger of Douan, Robert Forrest of Bankhead, Mr. John Areskin prefont Governour of the Castle of Stirling, Robert Hay of Candy, Arch-bald Naper of Bankell.

*For the Shire of Linlithgow.*

The Earl of Annandale, the Lord Cardros, Lord John Hamilton Lieutenant Collonel John Areskin, John Dalrymple Son to the Master of Stairs, James Dowglass of Pomphrestoun, David Dundas of Philipstoun, Patrick Dickson of Westbinnie, James Hamiltoun of Badderston, James Carmichael of Pottieshaw, the Laird of Duntarvie, the Laird of Barbachlay, the Laird of Wrae, the Laird of Duddingstoun younger, Patrick Dundas of Breastmiln.

*For the Shire of Kincardine.*

John Arbuthnet of Fordown, George Allardice of that Ilk, Mr. James Keith of Auchorsk Sheriff-deput of Kincardine, William Forbes younger of Moniemusk, Alexander Ross of Tullisnaucht, David Melvil of Pitgarvie, William Strauchan of Strath.

*For the Shire of Aberdeen.*

Mr. Patrick Ogilvie of Cairnbulg, William Frazer of Broadland, the Laird of Innercald, Mr. James Scougal, Mr. Robert Forbes of Brismore, the eldest Baillie of Frazersburgh for the time being, the Laird of Mouny, John Forbes of Tulliegrig, Alexander Lesly of Little-Wartle, Mr. Alexander Frazer of Powis, John Forbes of Innerdraen, Alexander Keith of Kidshill, William Hay of Earnhill.

*For the Shire of Inverness.*

James Grant of Gallowie, Patrick Grant of Rothiemurchus, Robert Grant of Garthinmore, Patrick Grant of Raick, James Grant of Tulloch William Grant of Dalliechappel.

## v v m m m m s *First Parliament.*

### *For the Shire of Cromartie.*

Hugh Ross of Kilravock, John Urquhart of Craighouse, Alexander Mackenzie of Bellon, Aeneas Mackleod of Catboll, Mr. Roderick Mackenzie in Tarrel, Kenneth Mackenzie of Culbo, Adam Gordon of Dalfollic, Roderick Mackenzie of Navitie.

### *For the Shire of Argile.*

James Campbel younger of Ardkinglass, Patrick Campbel of Duntroon Colin Campbel Chamberlain to the Earle of Argile Dougal Campbel younger of Kilberrick, Neil Macneil Fiar of Teynish, Robert Campbel Fiar of Carrick, Archibald Campbel of Clunes Baillie of Yla, Ronald Campbel of Laggan-Lochan, George Campbel of Dall, Archibald Campbel of Sbindarlin, Donald Campbel of Glencaradel, John Campbel Bailie of Jura, Arichbald Campbel of Craigage, Angus Cambel younger of Skippedge.

### *For the Shire of Fife.*

The Lord Yester, the Master of Yester, the Laird of Lundie, Sir Alexander Bruce of Broomhal Mr. Alexander Anstruther of Newark, the Laird of Durie, Mr. John Prestoun of Drumraw, Thomas Beaton of Tarvit, the Laird of Murdocairnie, Macgill younger of Rankeillor the Laird of Kirkneils, the Laird of Dowhill, Mr. Robert Beaton of Craigfoodie younger, the Laird of Banochy younger, the Laird of Dinboig, Mr. David Scrimzeour of Kirkmore, John Dempster younger of Pitliver, Weems of Boggie younger, the Laird of Bandone John Melvil of Carskirdo, the Laird of Blacanquel younger, M. John Mitchel of Balbardie, Lundie of Baldaftard, George Moncreiff of Sauchope, John Hay of Naughtoun younger, Walter Boswel of Balbertoun, Alexander Swintoun of Strathore, Maxwel of Auchibank, James Cleland of Piddennis.

### *For the Shire of Forfar.*

The Laird of Loggie younger, the Laird of Strickathro the Laird of Smiddiehill younger the Laird of Rossie younger, Mr. James Lyel of Balhall.

### *For the Shire of Kirkcudbright.*

James Earl of Galloway, Lord Bailzie Hamilton, Patrick Horron of Kirtachtrie, John Mackie of Palgown, Alexander Mackie younger of Palgown, Mackulloch of Bareholm, William Muir Tutor of Cassiincarrie, William Gordon of Shrimoires, Robert Gordon of Garerie, James Gordon of Largmoir, Robert Gordon of Airds, William Maxwell younger of Newlands, Robert Macklellan of Barmagaleim, Charles Macklellan of Collin, Andrew Corfan of Balmagan, Grier of Dalserth.

### *For the Shire of Sutherland.*

George Monro of Culrain, Aeneas Macleod of Catboll, David Ross of Innerchally, and David Sutherland younger of Kinnald.

*For*



*For the Shire of Caithness.*

Alexander Sinclair of Braibster, Mr. John Campbel Commissar of Caithness, James Murray of Clairdon, Mr. William Caldell of Galsburgh, Daniel Budge of Toftingall, William Sutherland of Geese, John Sinclair of Forfs, Donald Williamson of Banaskirk, Patrick Murray of Pennyland, George Sinclair of Barroch, David Sinclair of Frefwick.

*For the Shire of Elgin.*

Ludovick Dumbar of Grainge, Joseph Brody of Milntoun, the Laird of Innes younger, Alexander Brody of Duncairn, Robert Cumming of Relugus.

*For the Shire of Ross.*

The Laird of Gairloch, John Mackenzie of Cowle younger, Colin Mackenzie Uncle to the Laird of Gairloch, Mr. Simon Mackenzie of Allans, George Monro of Lamelair younger, Colin Robertson of Kindeis, Lauchlan Mackenzie of Affin younger, David Monro Tutor of Fyrefs, Robert Monro of Auchnagart, Hector Monro of Daan younger, Aeneas Macleod of Catboll, William Ross of Easterfearn, Mr. Charles Mackenzie of Loggy, Mr. Alexander Mackenzie of Dachmaluick younger, Mr. Alexander Ross of Pirkearie, Abraham Lessly of Findrossie, Mr. George Mackenzie of Bellamuckie, Roderick Macleod of Cambuscurrie, Ronald Bayn of Knockbayn, John Bayn younger of Tulloch, Mr. Colin Mackenzie of Muir, Alexander Forrester of Cullinald younger.

## VIII.

**ACT For a Company Trading to Affrica and the Indies.**

June 26. 1695.



OUR SOVERAIGN LORD Taking into his Consideration, That by an Act past in this present Parliament, Intituled Act for encouraging of Forraign Trade; His Majesty for the improvement thereof, Did with Advice and Consent of the Estates of Parliament, Statute and Declare That Merchants more or fewer may Contract and enter in to such Societies and Companies, for carrying on of Trade, as to any subject of Goods or Merchandise to whatsomever Kingdoms, Countries, or parts of the World, not being in War with His Majesty, where Trade is in use to be, or may be followed, and particularly, beside the Kingdoms and Countreys of *Europe*, to the East and West-*Indies*, the *Streights*, and

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to

to Trade in the *Mediterranian*, or upon the Coast of *Affrica*, or in the *Northern* parts, or elsewhere as above; Which Societies and Companies being Contracted and entered into, upon the terms and in the usual manner, as such Companies are set up, and in use in other parts consistent always with the Laws of this Kingdom: His Majesty with Consent foresaid did Allow and Approve, giving and granting to them and each of them all Powers, Rights and Priviledges, as to their persons; Rules and Orders That by the Laws are given to Companies allowed to be Erected for Manufactories; And His Majesty for their greater encouragement, did promise to give to these Companies, and each of them his Letters patent under the great Seal, Confirming to them the whole foresaid powers and priviledges with what other encouragement His Majesty should judge needful, as the foresaid Act of Parliament at more length bears. And His Majesty understanding that several persons as well Forraigners as Natives of this Kingdom are willing to Engage themselves with great Sums of Money in an *American*, *Affrican*, and *Indian* Trade to be exercised in and from this Kingdom: if inabled and incouraged thereunto by the Concessions, powers & priviledges needful and usual in such cases. Therefore, and in pursuance of the foresaid Act of Parliament, His Majesty with Advice and Consent of the saids Estates of Parliament, Doth hereby make and constitute *John Lord Beilhaven*, *Adam Cockburn* of *Ormistoun*, Lord Justice Clerk, Mr. *Francis Montgomery* of *Giffen*, Sir *John Maxwell* of *Pollock*, Sir *Robert Chiesly* present Provost of *Edinburgh*, *John Swintoun* of that ilk, *George Clark* late Baillie of *Edinburgh*, Mr. *Robert Blackwood*, and *James Balfour* Merchants in *Edinburgh*, and *John Corfs* Merchant in *Glasgow*, *William Paterfon* Esquire, *James Fowlis*, *David Nairn* Esquires, *Thomas Deans* Esquire *James Chiesly*, *John Smith*, *Thomas Coutes*, *Hugh Frazer*, *Joseph Cohaine*, *Daves Ovedo*, and *Walter Stewart* Merchants in *London*, with such others as shall joyn with them within the space of twelve Moneths after the first day of *August* next, and all others, whom the foresaid Persons and these joyned with them, or major part of them being assembled, shall admit and joyn into their Joint-Stock and Trade, who shall all be Repute as if herein originally insert to be one Body Incorporate, and a free Incorporation, with perpetual Succession, by the Name of *The Company of Scotland Trading to Affrica, and the Indies*: Providing always, *Likeas*, it is hereby in the first place provided, that of the Fond or Capital Stock that shall be agreed to, be Advanced and Employed by the foresaid Undertakers and their Co-partners; the half at least shall be appointed and allotted for *Scottish* men within this Kingdom, who shall enter and subscribe to the said Company, before the first day of *August*, one Thousand Six Hundred and Ninety Six Years: And if it shall happen, that *Scots* Men living within this Kingdom, shall not betwixt and the foresaid Term, subscribe for, and make up the equal half of the said Fond or Capital Stock, Then and in that case allanerly, it shall be, and is hereby allowed to *Scots* men residing Abroad, or to Forraigners, to come in, Subscribe and be assumed for the Superplus of the said half, and no otherwise: *Likeas*, the *Quota* of every mans part of the said Stock whereupon he shall be capable to enter into the said Company, whether he be Native or Forraigner, shall be for the



the least one hundred *lib. Sterl.* And for the highest, or greatest, three Thousand *lib. Sterl.* and no more directly nor indirectly in any sort: with power to the said Company to have a common Seal, and to alter and renew the same at their pleasure, with Advice always of the Lyon King at Arms; as also to Plead and Sue, and be Sued; and to purchas, Acquire, possess and enjoy Lordships, Lands, Tenements, or other Estate real or personal of whatsoever Nature or Quality, and to dispose upon and alienate the same, or any part thereof at their pleasure, and that by Transfers and Assignment, made and entered in their Books and Records without any other Formality of Law, *Providing always*, that such Shares as are first subscribed for, by *Scots-men* within this Kingdom shall not be alienable to any other than *Scots-men* living within this Kingdom; That the foresaid Transfers and Convoiances as to Lands and other real Estate (when made of these only and a part) be perfected according to the Laws of this Kingdom anent the conveyance of Lands and real Rights, with power likewise to the foresaid Company, by Subscriptions or otherways, as they shall think fit to raise a Joynt-stock, or Capital-Fund of such a Sum or Sums of Money, and under and subject unto such Rules, Conditions and Qualifications, as by the foresaid Company, or major part of them when assembled shall be limited and appointed to begin, carry-on and Support their intended Trade of Navigation, and whatever may contribute to the advancement thereof. *And it is hereby Declared*, that the said Joynt-Stock or Capital-Fund, or any part thereof, or any Estate, real or personal, Ships, Goods, or other Effects of and belonging to the said Company, shall not be lyable unto any manner of Confiscation, Seizure, Forefeiture, Attachment, Arrest or Restraint, for and by reason of any Embargo, breach of Peace, Letters of Mark or Reprisal, Declaration of War with any forraign Prince, Potentate, or State, or upon any other account or pretence whatsoever; but shall only be Transferrable, Assignable, or Alienable in such way and manner and in such parts and Portions, and under such Restriction, Rules & Conditions, as the said Company shall by writing in and upon their Books, Records and Registers direct and appoint, and these Transfers and Assignments only, and no other shall convoy the Right and Property, in and to the said Joynt-Stock, and Capital Fund, and Effects thereof above-mentioned, or any part of the same, excepting always as is above excepted, and that the Creditors of any particular Member of the Company may by their real Diligence affect the Share of the profit falling, and pertaining to the Debitor, without having any further Right or Power of the Debtors part and Interest in the Stock or Capital-Fund, otherwise than is above appointed, and with this express provision, that whatever Charges the Company may be put to, by the contending of any of their Members deceased, or of their Assigney, Creditors or any other persons in their Rights: The Company shall have Retention of their Charges and Expenses in the first place, & the Books, Records, and Registers of the said Company, or autentick Abstracts, or Extracts out of the same, are hereby Declared to be good and sufficient for Evidents in all Courts of Judicator, and elsewhere. And His Majesty with Advice foresaid, farther Statutes and Declares, that the said *John Lord Beilhaven, Adam Cockburn of Ormiston*, Lord Ju-

stice-Clerk, Mr. *Francis Montgomery* of *Giffen*, Sir *John Maxwell* of *Pollock*, Sir *Robert Chiesly* present Provost of *Edinburgh*, *John Swintoun* of that ilk, *George Clerk* late Baillie of *Edinburgh*, Mr. *Robert Blakewood*, and *James Balfour* Merchants in *Edinburgh*, and *John Corfs* Merchant in *Glasgow*, *William Paterson* Esquire, *James Fowls*, *David Nairn* Esquires, *Thomas Deans* Esquire, *James Chiesly*, *John Smith*, *Thomas Contes*, *Hugh Frazer*, *Joseph Cobaine*, *Daves Ovedo*, and *Walter Stuart* Merchants in *London*, and others to be joyned with, or assumed by them in manner above-mentioned, and their Successors, or major part of them assembled in the said Company, shall and may in all time-coming by the plurality of Votes agree, Make Constitute, and Ordain all such other Rules, Ordinances and Constitutions as may be needful for the better Government and Improvement of their Joynt-stock, or Capital Fund in all matters and things relating thereunto: To which Rules, Ordinances, and Constitutions, all persons belonging to the said Company, as well Directors as Members thereof, Governours, or other Officers, Civil or Military, or others whatsoever shall be subject, and hereby concluded; As also to administrat and take Oaths *de fideli*, and others requisit to the Management of the foresaid Stock and Company. And the said Company is hereby empowered to Equipp, Fit, Set-out, Fraught, and Navigat their own, or hired Ships, in such manner as they shall think fit, and that for the space of Ten Years from the date hereof, notwithstanding of the Act of Parliament one thousand six hundred and sixty one Years, Intituled, *Act for encouraging of Shipping and Navigation*, wherewith his Majesty with Consent foresaid dispenses for the said time allanerly, in favours of the said Company, and that from any of the Ports or Places of this Kingdom, or from any other parts or places in Amity, or not in Hostility, with His Majesty, in Warlike or other manner to any Lands, Islands, Countreys, or places in *Asia*, *Africa*, or *America*, and there to plant Collonies, build Cities, Towns, or Forts, in or upon the places not Inhabited, or in, or upon any other place, by consent of the Natives and Inhabitants thereof, and not posselt by any European Sovereign, Potentate, Prince, or State, and to provide and furnish the foresaid Places, Cities, Towns, or Forts, with Magazines, Ordnances, Arms, Weapons, Ammunition, and Stores of War, and by force of Arms to defend their Trade and Navigation, Colonies, Cities, Towns, Forts, and Plantations, and other their Effects whatsoever; as also to make Reprisals, and to seek and take Reparation of Damage done by Sea, or by Land, and to make and conclude Treaties of Peace, and Commerce with the Sovereigns, Princes, Estates, Rulers, Governours, or Proprietors of the foresaid Lands, Islands, Countreys, or Places in *Asia*, *Africa*, or *America*; Providing always, Likeas, it is hereby specially provided, that all Ships imployed by them shall return to this Kingdom with their Effects, under the pain of Confiscation, Forefeiture, and Seizure of the Ship and Goods, in case of breaking of Bulk before their Return, excepting the case of Necessity, for preserving the Ship, Company and Loading allanerly. And His Majesty with Consent foresaid, doth furder Statute and Ordain, that none of the Leidges of this Kingdom shall, or may Trade or Navigat to any Lands, Islands, Countreys,

or



or Places in *Asia*, or *Affrica*, in any time hereafter, or in *America*, for, and during the space of thirty one years, to be counted from the passing of this present Act, without License and Permission in writing from the said Company: Certifying all such as shall do in the contrair hereof, that they shall Forefault and Omit the third part of the Ship, or Ships, and of the Cargo, or Cargoes therein imployed, or the Value thereof, the one half to His Majesty as Escheat, and the other half to the Use and Benefit of the said Company: For the effectual Execution whereof, it shall be lawful to the said Company, or any imployed by them, to seize the saids Ships and Goods in any place of *Asia*, or *Affrica*, or at Sea upon the Coasts of *Asia* and *Affrica*, upon the transgression foresaid, by force of Arms, & at their own hand, and that without the hazard of incurring any Crime, of Delinquency whatsoever on account of the said Seizure, or any thing necessarily done in Prosecution thereof; excepting always, and without prejudice to any of the Subjects of this Kingdom to Trade and Navigat, During the said space to any part of *America*, where the Collonies, Plantations, or Possessions of the said Company shall not be settled. And it is furder hereby Enacted, that the said Company shall have the free and Absolute Right and Property, only Relieving and Holding of His Majesty, and His Successors in Sovereignty, for the only acknowledgment of their Allegiance, and paying yearly a Hoghead of Tobacco, in name of Blench duty, if required allanerly, in, and to all such Lands, Islands, Collonies, Cities, Towns Forts, and Plantations, that they shall come to Establish, or Possess in manner foresaid; As also, to all manner of Treasures, Wealth, Riches, Profits, Mines, Minerals, Fishings, with the whole Product and Benefit thereof, as well under as above the ground, and as well in Rivers and Seas, as in the Lands thereto belonging, or from, or by reason of the same in any sort, together with the Right of Government and Admiralty thereof; and that the said Company may by vertue hereof grant and delegat such Rights, Properties, Powers, and Immunities and permit and allow such sort of Trade, Commerce, and Navigation into their Plantations, Collonies, Cities, Towns, or Places of their Possession, as the said Company from time to time shall judge fit and convenient, With power to them to impose and exact such customs and other Duties upon and from themselves, and others Treading with, and coming to the said Plantations, Cities, Towns, Places and Ports, and Harbours thereof, as the Company shall think needful for the maintainance and other publick uses of the same, Holding always, and to hold the whole premisses of His Majesty, and his Successors Kings of *Scotland*, as Sovereigns thereof, and paying only for the same, their acknowledgment and allegiance, with a Hoghead of Tobacco yearly, in name of Blench Duty, if required, for all other Duty, Service, Claim or Demand whatsoever. With power and liberty to the said Company to Treat for and to procure and purchase such Rights, Liberties, Priviledges, Exemptions and other Grants, as may be convenient for supporting, promoting, and enlarging their Trade and Navigation from any forreign Potentate or Prince whatsoever, in amity with his Majesty; for which the general Treaties of Peace and Commerce betwixt His Majesty and such Potentates, Princes

or States shall serve for sufficient Security, Warrant and Authority, and if contrair to the saids Rights, Liberties, Priviledges, Exemptions, Grants or Agreements, any of the Ships, Goods, Merchandise, Persons, or other Effects whatsoever, belonging to the said Company, shall be stopt, detained, embazled, or away taken, or in any sort prejudged or damnified His Majesty promises to interpose his Authority, to have restitution, reparation and satisfaction made for the Dammage done, and that upon the publick Charge, which His Majesty shall cause depurse, and lay out for that Effect. And farder, it is hereby Statute, that all Ships, Vessels Merchandise, Goods, and other Effects whatsoever belonging to the said Company, shal be free of all manner of Restraints, or Prohibitions, and of all Customs, Taxes, Cesses, Supplies, or other Duties imposed, or to be imposed by Act of Parliament, or otherwise, for and during the space of twenty one years, excepting alwise the whole Duties of Tobacco and Suggar, that are not of the Growth of the Plantations of the said Company. And farder, it is enacted, that the said Company by Commission under their Common Seal, or otherwise as they shall appoint, may make and constitute all and every their Directors, Governours, and Commanders in Chief, and other Officers Civil or Military by Sea, or by Land; As likewise that the said Company may Inlist, Inroll, Agree and Retain all such persons Subjects of this Kingdom, or others whatsoever, as shall be willing and consent to enter in their Service or Pay, providing always that they Uplift or Levy none within the Kingdom to be Soldiers, without Leave or Warrant first obtained from His Majesty, or the Lords of His Privy Council, over which Directors, Governours, Commanders in Chief, or other Officers, Civil or Military, and others whatsoever in their Service and Pay, the Company shall have the Power, Command and Disposition both by Sea and Land. And it is farder Statute That no Officer Civil or Military, or other Person whatsoever within this Kingdom, shall Impress, Entertain, Stop or Detain any of the Members, Officers, Servants or others whatsoever, off, or belonging to the said Company, And in case the said Company, their Officers or Agents, shall find or understand any of their Members, Officers, Servants, or others aforesaid to be Impressed Stopped or detained, they are hereby Authorized and Allowed to take hold of, and Release the foresaid Person Impressed or Stopped in any part of this Kingdom, either by Land or Water; and all Magistrats and others His Majesties Officers Civil and Military, and all others are hereby required in their respective Stations, to be Aiding and Assisting to the said Company, under the Pain of being lyable to all the Loss, Dammage and Detriment of the said Company, by reason of the foresaid persons their neglect. And farder that the said Company, whole Members, Officers, Servants, or others belonging thereto, shall be free, both in their Persons, Estates, and Goods Employed in the said Stock and Trade. from all manner of Taxes, Cesses, Supplies, Excises, Quartering of Souldiers Transient or Local, or Levying of Souldiers, or other Impositions whatsoever, and that for and during the space of twenty one years And lastly, all Persons concerned or to be concerned in this Company, are hereby Declared to be free Denizons of this Kingdom, and that they with



with all that shall settle to Inhabit, or be born in any of the foresaid Plantations, Collonies, Cities, Towns, Factories, and other places that shall be purchast and posselt by the said Company, shall be repute as Natives of this Kingdom, and have the Priviledges thereof. And generally without prejudice of the Specialities foresaid, His Majesty with consent foresaid, Gives and Grants to the said Company, all Power, Rights and Priviledges, as to their persons, Rules, Orders, Estates, Goods and Effects whatsoever, that by the Laws are given to Companies allowed to be erected for Manufactories, or that are usually given in any other Civil Kingdom or Common-wealth, to any Company there erected for Trade and Commerce. And for the better Establishment and greater Solemnity of this Act and Gift, in favours of the said Company, His Majesty doth farder Ordain Letters patent to be expedie hereupon, containing the whole premisses under the Great Seal of this Kingdom, for doing whereof *per saltum*. Thir presents shall be sufficient Warrant both to the Director and Chancellor, or Keeper of the Great-Seal, as use is in like cases.

## I X.

*A C T Adjourning the Session till the First Day of November 1695.*

June 27. 1695.



Hereas, by a former Act in this Session of Parliament, the sitting of the Session was Adjourned until the first day of *July* next, which time being found yet too short, His Majesty, with Advice of the Estates of Parliament, continues the foresaid Adjournment until the first Day of *November* next to come, in the Terms, and with the Qualifications contained in the said first Act of Adjournment of the Session in all points.

## X.

*A C T for Pole-Money.*

June 27. 1695.



HE Estates of Parliament taking to their Consideration, that in regard of the great and eminent Dangers that threaten this Kingdom from forraign Enemies, and intestine Disaffection, and the Designs of evil Men, and that our Coasts are not sufficiently secured against Privateers; and that therefore it is necessar, that a compleat Number of standing Forces be maintained, & Ships of War provided for its necessary Defence; as also considering

ring, that beside the Supplie upon the Land-Rent, other Funds will be requisit for the foresaid End, do for one of these Fonds freely and chearfully offer to his Majesty an Subsidy to be uplifted by way of Pole-money, and for making of which Offer effectual, His Majesty, with Advice and consent of the Estates of Parliament foresaid, doth Statute and Ordain; That all Persons of whatsoever Age, Sex, or Quality, shall be subject and lyable to a Pole of Six Shilling, except poor persons who live upon Charity, and the Children under the Age of Sixteen years, and *in familia* of all these persons whose Pole doth not exceed One pound Ten Shilling *Scots*.

That beside the said six shilling imposed upon all the persons that are not excepted: A Cottar having a Trade shall pay Six Shilling more, making in the hail Twelve Shilling for every such Cottar.

That for Each Servant shall be payed by the Master, for which the Master is impowered to retain the fourtieth Part of his yearly Fee, whereof Bountieth to be reckoned a part, (excepting Livery Cloaths) in the Number of which Servants are understood, all who receive Wages or Bountieth for any Work, or Employment whatsoever, for the Term or the Year as they have, or shall serve, and in Case they be not Alimented in *Familia* with their Masters, then if they be not above the Degree of a Cottar or Hynd, they are to have two third Parts of Wages and Bountieth, or if above the said Degree one Third part of Wages and Bountieths, first deduced for their Aliment.

That all Sea-men pay Twelve Shilling *Scots* in name of Pole.

That all Tennents pay in name of Pole to the King, the hundreth part of the valued Rent, payable by them to the Master of the Land, and appoints the Master of the Ground to adjust the Proportions of this Pole amongst his Tennents, according to the respective Duties payable by them in Money or Viſtual, effeiring to his valued Rent.

That all Merchants, whether Sea-men, Shop-keepers, Chapmen, Tradesmen and others, whose free Stock and Means (not Including Workmens Tools, Household-plenishing, nor Stocks of Tennents upon the Farms and Possession) is above five hundred Merks, and doth not extend to five thousand Merks, shal be subject and lyable to two pound ten shilling of Pole.

And that all these (not including as above) whose free Stock and Means is above five thousand Merks, and does not extend to ten thousand Merks, shall be subject to four pound of Pole.

That all Merchants, whether Sea-men, Shop-keepers, Chapmen, Tradesmen and others (not including as above) whose free Estate and Stock extends to, or is above ten thousand Merks in Worth and Value, shall be lyable to ten pound of Pole.

That all Gentlemen so holden and repute, and owning themselves to be such, and who will not renounce any pretence they have to be such, and which Renunciations shall be recorded in the Herauld-Register *gratis*, shal be subject and lyable to three pound of Pole-money, if they be not otherways classed, and upon another Consideration, be subject to a greater Pole.

That



That all Heretors of twenty pounds and below fifty pounds of valued Rent, be subject and lyable to twenty shilling of Pole-money.

That all Heretors of fifty pounds and below two hundred pounds of valued Rent, be subject and lyable to four pounds of Pole-money.

That all Heretors of two hundred pounds, and under five hundred pounds of valued Rent, be lyable to nine pounds of Pole-money.

That all Heretors of five hundred pounds or above the same, and under one thousand pounds of valued Rent, be subject and lyable to twelve pounds of Pole-money, and that they pay half a Crown for each of their Male-children living *in familia*.

That all Heretors of one thousand pounds of valued Rent, and above the same, and all Knights Baronets and Knights, be subject and lyable to twenty four pounds of Pole-money, and that they pay for each of their Male-children *in familia* three pounds.

That all Lords pay forty pounds of Pole-money.

That all Viscounts pay fifty pounds of Pole-money.

That all Earls pay sixty pounds of Pole-money,

That all Marquesses pay eighty pounds of Pole.

That all Dukes pay an hundred pounds of Pole.

That the Sons of Noblemen pay according to their Ranks, *viz.* All Dukes eldest Sons as Marquesses, and their youngest Sons as Earls. All Marquesses eldest Sons as Earls, and their youngest Sons as Viscounts. All Earls eldest Sons as Viscounts, and their youngest Sons shall be lyable in twenty four pounds of Pole, All Viscounts, and Lords Sons shall be lyable in twenty four pounds of Pole.

That all Widows whose Husbands would have been lyable to one pound ten shilling of Pole or above, are to be subject and lyable to a Third-part of their Husbands Pole, except Heiresses, who shall be subject to the same Pole their Predecessors would have been.

That all Nottars and Procurators before Inferiour Courts, and Messengers at Arms, are to be subject and lyable to four Pounds of Pole-money.

That all Writers not to the signet, Agents and Clerks of Inferior Civil Courts, and Macers and Under-clerks of Session, shall pay six pounds of Pole-money.

That all Advocats, Clerks of Sovereign Courts, Writers to the Signet, Sheriffs and their Deputs, Commissars and their Deputs, Doctors of Medicine, Appothecaries, Chyrurgeons, and others repute Doctors of Medicine, pay twelve pounds of Pole.

That all Commissionat Officers of the Army upon *Scots* pay shall be lyable in two days pay for their Pole.

That all persons who are to pay the said respective Poles, tho they be Poled in different capacities, are only to pay at the highest rate above-mentioned, and that always over and above the general Pole.

And for the better Stating, Ordering and Uplifting of the said Pole, His Majesty with Advice foresaid, Statutes and Ordains, that the Commissioners of Assessment or their *Quorum*, shall meet and conveen at the ordinar place of their meeting, upon the second *Tuesday* of *August*, One  
H thou.

thousand six hundred ninety five years ; or shall appoint such other Heretors as they shall think fit, and there shall divide the whole Commissioners, whether present or absent, or shall appoint such other Heretors as they shall think fit, into such Divisions as they shall think meet, appointing Paroches one or more for Commissioners one or more as they shall see convenient, to meet the last *Tuesday* of the said Moneth of *August*, at the respective places to be appointed, empowering the saids Commissioners to take up Rolls and Lists of all the Poleable persons within the respective Bounds appointed to them, containing the Names, Qualities and Degrees of the several persons, and of the value of the Estates belonging to them, conform to the said Act. And ordains the Magistrats of Burrows Royal to meet the Third *Tuesday* of the said Moneth of *August* & to rake up Rolls and Lists of all the Poleable persons within the respective Burghs, containing their Names, Qualities and Degrees, and the value of their Estates ; And which Commissioners and Magistrats of Burghs are to give Intimation at the Kirk-door upon a *Sunday*, upon three days warning at least to the persons to be Poled, to compear before them at the Paroch Church, and give up their Names, Qualities, Degrees, and Values of their Estates, to the Effect the respective Poles may be stated and set down by the said Commissioner, or Commissioners of Assessment, or Magistrats of Burghs respective, and which Rolls the saids persons are to give up, or send under their hand, if they can write, otherwise if they cannot write their Name, Quality, Degree, and Estate, shall be marked by the Clerk, as they give it up, excepting Tennents, whose Names, and the Pole-money payable by them, shall be given and sent by their Masters under their Hand, with Certification, that such as do not compear, or send under their Hands their Names, Qualities, and value of their Estates, or do give up their Quality, Degree, or value of their Estates, otherways than it should be, they shall be lyable in the Quadruple of their Pole, the equal half whereof shall belong to the Informer, who shall make the same appear. And which Lists and Rolls, being so made up with the respective Sub-divisions, shall be Recorded and Booked in the Register of the Shire, or Burgh for that purpose : whereof there shall be an Abstract sent to the Lords of the Thesaurie, betwixt and the first of *October*, one thousand six hundred ninety five years, containing the number of the persons in the several Classes and Ranks above specified, with the extent of their Pole.

And His Majesty with Advice and Consent of the Estates of Parliament, Ordains the foresaid Pole-money to be payed at the Term of *Martinmas*, one thousand six hundred ninety five years, or within thirty days thereafter, at the respective Paroch kirks, where the persons concerned dwell, for which Discharges are to be given to the payers *gratis*. And requires the Commissioners of Assessment, and Magistrats of Burghs, or the Farmers, in case the same shall be set in Farm, to cause Intimation to be made for the payment thereof, at the Kirk-Doors, of the several Paroch-Kirks upon the first *Sunday* of *October* one thousand six hundred ninety five. Certifying such as shal not make punctual payment at the said Term of *Martinmas*, one thousand six hundred ninety five, or within the said thirty days thereafter, shall be lyable in the double, if paying within other thirty days thereafter, or if failzeing after both the saids thirty days,



in the Quadruple of their Pole : And ordains Execution to be used against them for the same, by poynding of their readiest Coods, or Imprisoning their Persons; the foresaid poynding and Imprisonment always proceeding upon the Sentence of one of the Commissioners for the Assessment, or any other inferior Judge where the person lives.

Likeas His Majesty with Advice and Consent foresaid, hereby impowers the Lords of Privy Council, to Order and Appoint such furdur Methods and Courses as they shall judge fit for Stateing and Inbringing of the Pole-money afore said, and to allow out of the said Pole-money such Charges and Expenses as shall be necessary for Execution of this Act.

And His Majesty and Estates afore said, do hereby strictly appropriat, destinat, and appoint the Sums to be raised by this Act, for the ends and uses above specified, conform to His Majesties Letter, whereof three hundred thousand pound to be bestowed in the first place, for providing and maintaining of the Ships of War for one year, and which Money the Lords of Thesaury are hereby ordained to furnish and answer to the Commissioners of Admiralty, when called for, to the effect above-specified : And also the Lords of Privy Council are hereby fully empowered to decide and determine all Questions and Difficulties hereby undetermined, that may arise anent the Premisses.

And lastly, it is hereby declared, that no persons lyable in payment of this Pole, shall be holden to produce their Discharges, or Receipts of the same, after the Term of *Martinmas*s, one thousand six hundred ninety six years, conform to His Majesties Letter.

## X I.

*ACT against Blasphemy.*

June 28. 1695.



OUR SOVERAIGN LORD with Advice and Consent of the Estates of Parliament, does hereby Ratifie, Approve, and Confirm the *twenty first Act of the first Session of the first Parliament of King Charles the second*, Intituled, *Act against the Crime of Blasphemy*, in the hail Heads, Clauses, and Articles thereof, and Ordains the same to be put to due and punctual Execution : And farder, His Majesty with Advice and consent foresaid, Statutes and Ordains, that whoever hereafter, shal in their Writing or Discourse, Deny, Impugn, or Quarrel, Argue, or Reason against the BEEING of G O D, or any of the Persons of the blessed Trinity, or the Authority of the Holy Scriptures of the Old and New Testaments, or the Providence of God in the Government of the World, shall for the first Fault be punished with Imprisonment, ay and while they give publick Satisfaction in Sackcloth to the Congregation, within which the Scandal was committed. And for the second Fault, the Delinquent shall be fyned in

an years valued Rent of his real Estate, and the twentieth part of his free personal Estate, ( the equal half of which Fines, are to be Applied to the use of the Poor of that Paroch, within which the Crime shal happen to be committed, and the other half to the Party Informer, ) besides his being Imprisoned, ay and while he make again Satisfaction *ut supra*. And for the Third Fault, he shall be punished by Death as an obstinat Blasphemer : Likeas, His Majesty with Advice and Consent foresaid, hereby Authorizes, and strictly Requires, and Enjoyns all Magistrats, and Ministers of the Law, and Judges within this Kingdom, to put this present Act in Execution as to the first Fault. And does hereby Impower and Require all Sheriffs, Stewarts, Baillies of Bailleries, and Regalities, and their Deputs, and Magistrats of Burghs to put this present Act in Execution as to the second Fault. And as to the third Fault, His Majesty with Advice and Consent foresaid, remits the Execution of this present Act to the Lords of His Majesties Justiciary.

## XII.

**ACT against irregular Baptisms and Marriages.**

June 28. 1695.



**OUR SOVERAIGN LORD** Considering, that the Baptizing of Children, and Solemnizing of Marriage by the Laws and Custom of this Kingdom, and by the Constitutions of this Church, have alwise been done by Ministers of the Gospel Authorized by Law, and the established Church of this Nation : And that notwithstanding thereof several Ministers now outed of their Churches do presume to Baptize Children, and Solemnize Marriage without Proclamation of Banns, or Consent of Parents, and sometimes within the forbidden Degrees : Therefore His Majesty with Advice and Consent of the Estates of Parliament, strictly Prohibits and Discharges all outed Ministers, to Baptize any Children, or Solemnize Marriage betwixt any Parties in all time coming, under the pain of Imprisonment, ay and while he find Caution to go out of the Kingdom, and never to return thereto, and remits the Execution of this Act to the Ministers of the Law, who are to assist to the Execution of the twenty third Act of the fourth Session of this Parliament, for Settling the Quiet and Peace of the Church : Declaring alwise, that this present Act is without prejudice to the Acts of Parliament already made against privat and clandestine Marriages, which are hereby Declared to stand in full force, and that Execution may proceed on the saids Acts at the Instance of the Parties concerned, or of the Procurator-Fiscals of the Jurisdictions, where they shall happen to be questioned.

XIII. Act



## XIII.

*ACT against Prophainness.*

June 28. 1695.



OUR SOVERAIGN LORD, and Estates of Parliament, considering that the Twenty fifth *Act* of the second Session of this current Parliament, Intituled, *Act against Prophane-ness*, and the Acts generally and particularly therein-ratified, has not taken the wished Effect, through the Negligence of the Magistrats, Officers, and others concerned to put the same in execution ; Do hereby Authorize, and strictly Require and Enjoyn all Sheriffs and their Deputs, Stewarts and their Deputs, Baillies of Bailiries and Regalities and their Deputs, Magistrats of Burghs-Royal and Justices of Peace within whose Bounds any of the Sins forbidden by the saids Laws shall happen to be committed, to put the saids Acts to exact and punctual Execution at all times, without necessity of any Dispensation ; and against all persons, whether Officers, Souldiers, or others without exception ; with this Certification, that such of the saids Judges as shall refuse, neglect or delay to put the said Laws in Execution, upon application of any Minister, or Kirk-Session, or any Person in their name, giving in Information, and offering sufficient Probation against the Offender, that every one of the saids Judges swa refusing, neglecting, or delaying, shall *toties quoties* be subject and lyable to a Fine of One hundred pounds *Scots*, to be applyed for the use of the Poor of the Parish, where the Scandal complained on was committed : Declaring hereby, That the Agent for the Kirk, the Minister of the Parish, or any other person having Warrant from him, or from the Kirk Session within the Parish whereof the Scandal compleaned on was committed, shall have good Interest to pursue before the Lords of Session, any of the foresaid Judges, who shall happen to refuse, Neglect, or Delay to put the saids Laws against Prophaneness to exact and punctual Execution, who are hereby ordained to proceed summarly, without the Order of the Roll, and that it shall be a sufficient Probation of their refusal, neglect or delay, if the Pursuer instruct by an Instrument under a Nottars hand, and Witnesses thereto subscribing and deponing thereupon, that he did inform the saids Judges of the said Scandal, and offered a sufficient Probation thereof, unless the Judges swa pursued condescend and instruct, that within the space of ten days after the said Application, he gave Order to cite the Party complained on, to compear before him, within the space of ten days, and that at the day of compearance he was ready and willing to have taken Cognition and Tryal of the Scandal compleaned on, and instruct and condescend on a relevant Reason, why the saids Laws were not put in Execution against the Person complained on.

## XIV.

**ACT** *For restraining the Prophanation of the Lords Day, by keeping Weekly-Mercats on Munday and Saturday.*

June 28. 1695.



**OUR SOVERAIGN LORD** Considering, that there is much occasion given for Profanation of the Lords-Day, by keeping of Weekly-Mercats on *Munday* and *Saturday* and that for preventing of this Abuse, there are several Acts of Parliament prohibiting the keeping of Weekly-Mercats the saids Days within Royal Burghs; But the saids Acts not comprehending the Burghs of Regality and Barrony, and Weekly-Mercats in Villages and Kirk-Towns, the saids Burghs, Villages and Kirk-Towns are necessitate to keep their Weekly-Mercats on the saids Days, conform to the special Acts of Parliament made in their Favours; And yet many of the saids Burghs, Villages and others would most willingly alter and change the saids Mercat-days, if they were but Impowered and Authorized for that effect. Therefore, His Majesty with the Advice and Consent of the Estates of Parliament, Does not only Ratifie and Approve the saids Acts of Parliament made against the keeping of Weekly-Mercats upon *Mundays* and *Saturdays* within Royal-Burghs, But likewise does declare it liefume and lawful to all Burghs of Regality and Barrony, and Villages, and Kirk-Towns, whose Weekly-Mercats are kept the saids Days, to change and alter the same: And the saids Burghs, Villages, and others are hereby Authorized to choise and appoint any other Days of the Week they think fit for the Keeping and holding of the saids Weekly-Mercats, they always making timeous Intimation of the said Change to the next adjacent Burghs, and providing they pitch not upon the Mercat-day of any Burgh-Royal next adjacent, or of an other Mercat-Town within four Miles. And that this Act be not extended against Fleshers within Royal-Burghs, who may keep Mercats of Fleshes in their respective Burghs, upon these days, this Act notwithstanding.



# ACT For Encouragement of Preachers at Vacant Churches be-north Forth.

July 5. 1695.



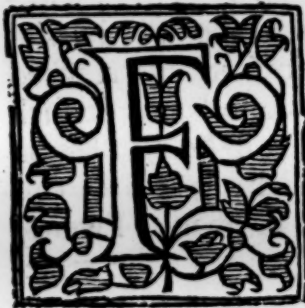
OUR SOVERAIGN LORD Considering that there are many Churches vacant upon the North-side of the Water of *Forth*, which cannot be soon legally Planted, nor in the *interim* other-ways Supplied than by the Presbyteries in whose Bounds they ly, their Employing some Preachers who are not Setled in Churches to Preach in the saids Vacant Churches for some time, and that the Intertaining of these Preachers out of the first end of the Vacant Stipends of the Paroches to which they Preach, during their Service, is a most proper Pious Use within the Paroch; Therefore His Majesty, with Advice and Consent of the Estates of Parliament, for Encouraging of the said Preachers swa to be employed by the Presbyteries, Doth hereby destinat, Appoint and Allow out of the first end of the Vacant Stipends of the respective Churches, at which they shall Preach by Invitation or Appointment, of the respective Presbyteries within whose Bounds the sament do ly, to every one of the saids Preachers Twenty Merks *Scots*, for their Preaching each Lords Day, Forenoon and Afternoon, in the said Vacant Churches, and that whether the saids Preachers be employed by the Presbytry to Preach at one Church, or at several Churches by Turns within their Bounds; Declaring hereby a Testificat under the Presbyteries Hands, bearing that such a person hath upon their Invitation Preached so many Lords Days at such a Church within their Bounds, or at such and such Churches within their Bounds by Turns, shall be a sufficient Probation thereof, whereupon the saids Preachers shall by vertue of this present Act, have Power and Undoubted Right to als many Twenty Merks, out of the first and readiest of the Vacant Stipends of the respective Paroch-Churches as the saids certificats shall bear them to have Preached Lords Days thereat: And for preventing the Trouble and Expenses the said Preachers would be put to in recovering Payment of the saids allowances hereby granted effeiring to their Services, if each of them should Pursue for their own part, out of the particular Vacant Stipends of the respective Churches at which they shell Preach. His Majesty with Advice and Consent foresaid, Doth hereby Impower the respective Presbyteries within whose Bounds the respective Vacant Churches do ly, to grant Commissions to such Persons as they shall think fit for uplifting als much out of the first end of the Vacant Stipends, within their Bounds where the said Preachers shall serve at their Invitation, as will pay and Satisfie the saids allowances hereby granted to the Persons invited by them to Preach thereat, Accompting *ut supra* foreach Lords Days Service; with

Power to the said Factors, to Uplift, and if need be, to pursue for the same before the Judge Ordinary of the Bounds ; Discharging all Advocations, as also Suspensions, save upon Confignation, and with this Declaration, that if at the discussing of the Suspension, the Letters shall be found orderly proceeded, the wrongous Suspender shall be Decerned in a Fifth part more, which Factor shall be obliged to compt to the said Preachers, who shall be Employed by the Presbytries for the said Allowances to be uplifted by them according to the number of Days to be contained in the Presbytries certificat. Likeas, His Majesty with Advice and Consent foresaid, for Encouragement of the saids Factors, and Defraying their Expences, Does hereby allow to every one of the said Factors so to be appointed by the said Presbytries, as much as corresponds to a Tenth part of the said allowances, which they are to uplift further for their own use, out of the first end of the said Vacant Stipends, and with the benefit of the provisions above-mentioned.

## XVI.

*ACT Anent the Ease of Annualrents Due by Persons Restored, and anent the Creditors Diligence to be Used against them.*

July 5. 1697.



OR AS MUCH As by the *General Act Recifory of Fines and Forefaultures* in this current Parliament, the Consideration of the Ease that was to be given to the persons thereby Restored of the by-gone Annualrents due by them, and if the same ought to be granted to their Cautioners, and what time Diligence should be Superfeded against them for payment of their principal Sums, and such Annualrents to which they were to be lyable, was Remitted to the *Commission of Fines and Forefaultures* therein-named, that they might Report their Opinion thereof to the Parliament, which is not yet done, and it being the interest of the persons Restored, and their Creditors, to have the same now Determined: Therefore His Majesty, with Advice and Consent of the Estates of Parliament, Statutes and Ordains, that during the time the persons restored by this present Parliament were dispossessed of their Estates they and their Cautioners are to be free of the payment of Annualrents, unless that the Party Restored either hath recovered all or some part of his Rents, from which he was excluded by the Forefaulture ; in which case the person Restored, and not the Cautioner, shall be lyable to the payment of the Annualrents during the time of his being dispossessed, in swa far as he hath recovered the same, or other-ways that the Party Restored may recover all or some part of the said Rent



Rent due during the years that he was dispossessed, in which case the Party Restored shall have no ease of any by gone Annualrents, but upon his Assigning to his Creditors, with Warrantice from his own Fact and Deed, any Action competent to him for recovering all or any part of the saids Rents due during the time of his being dispossessed; Declaring always that when a Cautioner for a person restored, did actually pay without Collusion before the Revolution, either principal Sum or bygone Annualrents or any part thereof, or had his Lands Adjudged therefore before the said Revolution, or having given a Bond, or suffered Decreet before the Revolution, hath made payment, or had his Lands Adjudged since the Revolution, the foresaid Ease and benefit granted in favours of the person Restored, is no ways to be Obtruded against the Cautioner in that case. As also It is hereby Statute and Ordained, That where persons Restored, have made payment since the Revolution of any Annualrents, for these years during which they were dispossessed of their Estates, it shall be leifume for them to retain als much in their own Hand of the principal Sums and Annualrents yet resting, as extends to the foresaid Annualrents swa payed by them, (the Annualrents unpaid being always discounted in the first place) and where the Debt is altogether payed, the Party Restored shall by vertue of this Act, have Action of Repetition against his Creditor, for refunding the said Annualrents payed out by him for the years during which he was excluded from the Possession of his Estate by the Forefaulture. Likeas, His Majesty with Advice and Consent foresaid, Statutes and Ordains, That it shall be leifume to the Creditors of persons restored by this Parliament, to affect the Debtors Estate for payment of their principal Sums and Annualrents resting (except such Annualrents whereof they are Liberat by this present Act,) and that immediatly furth and after the Date hereof, Discharging hereby all personal Execution against the persons Restored for payment of any principal Sums due by them before their Forefaulture, till *Whitsunday* next to come, in the Year of God One thousand six hundred and fourscore sixteen years, after which all personal Diligence shall be competent against the persons Restored, unless they dispoine and put the Creditor in possession of as much of their Estate (whereof the Creditor is to have his Election, except as to the House, Park and Mains as will satisfy the principal Sum and Annualrents thereof resting, and not hereby given down at the ordinaire rate of the Countrey wherein the Lands ly, and that free of Incumbrances, which is to be done at the sight of the *Lords of Session* in a Suspension, to be raised by the persons restored, upon the said offer redeemable, nevertheless within the space of Five Years for payment of what is resting of the Creditors Debt, discounting his Intromissions; And declaring always, that how soon the Creditor shall be excluded from the Possession of the saids Lands swa to be disposed to him by the person Restored, It shall be leifum to the Creditor, immediatly thereafter, to use all manner of Diligence personal and real for recovering of his Debt for which the Lands were disposed to him. Likeas, His Majesty with Advice and Consent foresaid, Statutes and Ordains, That where a person Restored offering to dispoine his Lands to his Creditors,

cannot purge and disburden the Lands offered of real Incumbrances, by the sight of the Lords, and put the Creditor in the free Possession thereof, swa that he will be lyable to the personal Diligence of his Creditors after *Whitsunday* One thousand six hundred fourscore sixteen years, that then if he demand the benefit of a *Cessio bonorum*, the *Lords of the Session* are hereby allowed to grant the same to him, upon his calling of his Creditors, and making Faith, and Disponing in the common Form, without necessity of his being Imprisoned the time of raising or obtaining thereof or of wearing the Habit after obtaining of the same. And likewise, it is hereby declared, that where any person during the standing of the said Forefaulture now rescinded, did Acquire any Debts due by the person Restored, they shall have Action allanarly against the person Restored for the sums truly payed out by them, and Annualrent thereof, and shall lose all benefit of their Compositions & Eases: And his Majesty and the Estates of Parliament, Do hereby remit the Case of the Deceast *William Muir of Caldwell* for Reperition of by-gone Rents, and all other Cases of Forefault persons Restored depending before them, to be determined by the *Lords of Session*, excepting such Cases wherein Reports have been prepared by the *Commission for Fines and Forefaultures* for the Parliament, in which the Pursuer may at his Option further Insist, till the Decision thereof before the *Parliament* or *Lords of the Session*.

## XVII.

*ACT anent the Mint.*

July 5. 1695.



OUR SOVERAIGN LORD, considering that by the Act of Parliament One thousand six hundred and eighty six Intituled, *Act anent an humble Offer to his Majesty for an Imposition upon certain Commodities, for defraying the Expense of a free Coinage, and other matters relating to the Mint*; The foresaid Expenses of a free Coinage, and several matters relating to the Mint were indeed settled, but neither so perfectly nor so fully as Experience hath since discovered, but that there is still need and place for a further Regulation: Doth therefore, with Advice and Consent of the Estates of Parliament, Statute and Ordain, That notwithstanding it be recommended by the said Act to the Lords of His Majesties Privy Council, to try by some of their number, every Journal of Coin by it self distinctly, and that twice every year, viz. In the Month of *July* and *December* yearly, yet seing the foresaid distinct Tryal of every Journal hath been found both a tedious and superfluous Labour, and is not practised any where else, it shal be leisum for the saids Lords of his Majesties Privy Council, to make the said Tryal by such



such of their Number as they shal think fit, not of every Journal of Coyn by it self distinctly, but by taking and making Tryal of any one or more single Journals, as they shal think fit, and then to cause melt down in one Mals of Lignat, the rest of the Journals, to be at that time tryed, and to take an Essay of the Mals so melted down, as said is, which shall stand for the whole, but prejudice always to the said Lords of Council, to make distinct Tryals of the hail-foresaid Journals, as they shal see cause. As also, still recommending to them the exact Tryal of all Matters relating to the Coynage, at the foresaid two times above-specified, in manner mentioned in the said Act, and that notwithstanding of the foresaid Act, which is innovat in so far as the same is inconsistent with this present Act.

## XVIII.

*ACT anent the Quorum of the Commission  
of Teinds.*

July 5. 1695.



OUR SOVERAIGN LORD the Kings Majesty, considering, that there are many Actions depending before the Lords, and other Commissioners, for Plantation of Kirks, and Valuation of Teinds, which cannot be decided and determined, in respect that the saids Commissioners have not met so frequently as was necessary, by reason of the difficulties of getting a *Quorum*, whereby the Leidges have been much prejudged; for remeiding whereof, Our Sovereign Lord, with Advice and Consent of the Estates of Parliament, Statutes and Ordains, That seven Commissioners, whereof one of every State shall be an sufficient *Quorum*, who being present at the down-sitting and constituting of the Meeting: the withdrawing of one or more of any of the three States, after constituting of the Meeting, shall not breach the *Quorum*, seven of the Commissioners of the other State or States being still present, without prejudice to the Officers of State to be still Members of the said Commission tho the presence of one or more of them be not necessary to constitute the foresaid *Quorum*. And His Majesty, with consent foresaid, does hereby Ratifie and Approve the Twenty fourth Act of the fourth *Session*, and thirtieth Act of the second *Session* of this current Parliament, in the hail Heads, Articles, and Clauses thereof, excepting in so far as the samen is innovat by this present Act; And the saids Commissioners are hereby appointed to meet every *Wednesday* in the Afternoon, during the sitting of the Session.

## XIX.

*ACT anent the Duty on Scots Muslin.*

July. 5. 1695.



OUR SOVERAIGN LORD, with Advice and consent of the Estates of Parliament, Statute and Ordain, That in all time coming, all Muslin, plain or stript, or Camrick, and all sorts of Linen under whatsoever Name or Designation, manufactured within the Kingdom, shall at the exporting thereof pay Custom on'y as *scots* Linen, conform to the Book of Rates.

## XX.

*ACT anent the Post-Office.*

July 5. 1695.



OUR SOVERAIGN LORD considering, that for the Maintainance of Mutual Correspondence, and preventing of many Inconveniencies that happen by privat Posts, several publick Post-Offices have been heretofore Erected, for Carrying and Receiving of Letters by Posts to and from most Parts and Places of this Kingdom, and that the well ordering thereof, is a Matter of general Concern, and of great Advantage, as well for the Conveniencies of Trade and Commerce, as otherways; and to the end that speedy and safe Dispatch-

es may be had, and that the best Means for that end, will be the Settling and Establishing a General Post-Office : *Therefore*, His Majesty with Advice and Consent of the Estates of Parliament, *Statutes, Ordains, and Appoints* an General Post-Office to be kept within the City of *Edinburgh*, from whence all Letters and Pacquets whatsoever, may be with Speed and Expedition sent into any part of the Kingdom, or any other of his Majesties Dominions, or into any Kingdom or Countrey beyond Seas, by the Pacquet that goes Sealed for *London*, at which said Office, all Returns and Answers may be likeways received; as also, that a Master of the said General-Letter-Office, shall be from time to time appointed by His Majesty, His Heirs, and Successors, by Letters, Patents, under the Privy Seal of this Kingdom, by the Name and Title of *Hir-*  
Ma-



*Majesties Post-Master-General*; or otherways, that the said Office may be set in Tack by the Lords of His Majesties Thesaury and Exchequer, as His Majestie and His said Successors shall think most Expedient : And that the said Master of the said Office, or Tacksman for the time respectively, and his Deput or Deputs authorized by him for that Effect, and hisand their Servants, and no other person or persons whatsoever, shall from time to time have the Receiving, Taking up, or Ordering, Dispatching, sending Posts with Speed, and Delivering of all Letters and Pacquets whatsoever, which shall from time to time be sent to and from, all and every the Parts and Places of this Kingdom, to and from His Majesties Dominions, or Places beyond Seas, where he shall Settle, or cause to be settled, Posts, or running Messengers for that purpose : *Excepting* such Letters as are sent by any person or persons, to and from any place within this Kingdom by their own Servants, or by Express sent on purpose about their own Affairs, and Letters directed along with, and relating to Goods sent, or to be returned by common Carriers allanarly : And where Post-Offices are not erected, and Posts settled, His Majesty with Consent foresaid, allows the Custom of sending by Carriers or others as formerly, ay and while such Offices be established, and no longer. And farder, His Majesty with Advice and Consent foresaid, *Statutes and Enacts*, that the said Post-Master General, or Tacksman, and their respective Deputs and Substitutes, and no other person or persons whatsoever, shall provide and have in readines, sufficient Horses and Furniture for ryding Post to all persons, ryding to and from all the parts and places of *Scotland*, where any Post Roads are, or shall be settled and established : But prejudice to the use of Hyring of Horses, which are not to ride Post as formerly. And sicklike, His Majesty with Advice and Consent foresaid, *Statutes, Enacts, and Ordains*, that it shall be lawful for the said Post-Master-General, or Tacks-man, and their said Deputs, to Ask, Exact, and receive, for the Portage and Convoyance of all such Letters, which he or they shall so Convey, Carry, or send Post as aforesaid, and for providing and furnishing Horses for ryding Post as aforesaid, according to the several Rates and Sums after-mentioned, which they are not to exceed, *viz.* All single Letters to *Berwick*, or any part within fifty Miles of *Edinburgh* two shilling, double four shilling, and so proportionally ; all single Letters to any Place above fifty Miles, and not exceeding a hundred Miles, to pay three shilling, double six shilling, and so proportionally, all single Letters to any place in *Scotland* above a hundred Miles, to pay four shilling, double eight shilling, and so proportionally : Declaring nevertheless, that all single Letters with Bills of Loading or Exchange, Envoys, or other Merchant Accompts inclosed and sent to any place within the Kingdom, shall be only considered as single Letters ; all Pacquets of Papers to pay each one as triple Letters : And it shall be lawful for the said Post-Master-General, Tacks-man, and their Deputs, to Ask, Exact, Take, and receive from every person, to whom he or they shall furnish Horses, Furniture, and Guide for ryding Post in any of the Post-Roads aforesaid, three shilling *Scots* for ilk Horse-hire for Postage for every *Scots* Mile. *And in like manner*, His Majesty with Advice and

Consent foresaid, strictly Prohibits and Discharges, all other person or persons whatsoever, as well single, as Bodies politick or incorporat, excepting the said Post-Master-General, or Tacks-man, and their Deputs, and the Servants of Noblemen, Gentlemen, and others, in the cases particularly above-excepted allanarly, to Carry, Receive, or Deliver any Letters for hire, or to set up or imploy any Foot-Post, Horse-Post, or to settle Post-Masters within their Jurisdictions, under the penalty of twenty Pounds *Scots* for every Transgression, and an hundred pounds *Scots* for each Moneths Continuance thereof, after Intimation beis made to them in the contrair, and the saids Penalties to be pursued for, before any Judge competent, the one half thereof to be applyed for the use of the Informer, and the other half for the use of the said Post-Master-General, or Tacks-man respective; and that no common Carrier presume to carry any Letters to, or from any places within this Kingdom, where Post-Offices are settled, excepting the case aforesaid: Certifying all such as do in the contrary, that upon Seizure of any such Carrier with the Letters about him, or being convicted thereof before any Judge competent, he shall be imprisoned six days for ilk Fault, and Fyned in the Sum of six Pounds *Scots*, *toties quoties*: And because it is not only expedient for His Majesties Government, but likewise for the Advancement of the Trade of this Kingdom, that a settled Correspondence by Weekly Posts, be established with His Majesties Subjects in the Kingdom of *Ireland*, and that the said Kingdom of *Ireland*, will not be at the expense for maintaining the Pacquet-Boats for passing to and from this Kingdom; Therefore, His Majesty with Advice and Consent foresaid, *Ordains and Appoints* the said General-Post-Master, or Tacks-man, to keep and maintain Pacquet-Boats to go Weekly, ( Wind and Weather serving ) from *Port-Patrick* in this Kingdom to *Donaghadee* in *Ireland*, to carry and receive all Letters to be sent betwixt this Kingdom and the Kingdom of *Ireland*, and that the Expense bestowed on these Pacquet-Boats, be allowed to the said General-Post-Master or Tacks-man, in part of his Intromissions with the profits of the said General-Letter-Office, or out of the Tack-Duty when the same is set in Tack, or Farmed, not exceeding the sum of sixty pounds *Sterling* Money yearly. And His Majesty with consent foresaid, *Ordains and Commands* all the Sheriffs, Stewarts, Baillies of Regalities or Royalties, Magistrats of Royal Burghs, Justices of Peace, and all other Judges and Magistrats whatsoever, als well in Burgh as Land-Ward, to concur with and assist the Post-Master-General, Tack-man and their Deputs, in the Discharging of his Trust, for rendering this Act effectual for the ends above-written, and putting the same to all due and lawful execution within their respective Bounds. And His Majesty with Consent foresaid, *Statutes and Ordains*, that no person or persons of whatsoever Degree or Quality, presume to stop, molest, hinder, or impede the several Posts, als well Foot-Posts, as Horse-Posts authorised by, or bearing Warrant from the said Post-Master-General, Tack-man, or their Successors in Office, by Night or by Day, under the pain and penalty of one thousand Pounds *Scots*, attour the Reparation of the Damages to any Party lesed thereby; far less to detain, Rob, or take away any Pacquets, under the



the pains contained in the Acts of Parliament. And His Majesty with Consent foresaid, *Ordains* and *Appoints* the said Post-Master-General, Tacksman and his said Deputs, and their Successors in their several Offices, to take the Oath of Allegiance and subscribe the same with the Assurance, appointed to be taken by all persons in publick Trust, by the third Act of the third Session of this current Parliament. And His Majesty with Consent foresaid, *Ordains* General Letters to be directed at the Instance of the said General-Post-Master, or Tacksman, and their Successors in Office, against their several Deputs, for the Tack-Duties of their respective Offices as is allowed for in-bringing any part of His Majesties Revenue. *And Lastly*, the Lords of His Majesties Privy Council, are hereby Authorized and Impowered to take care, that particular Post-Offices be established over all the Kingdom at places most convenient, and the times of parting of Posts with Letters, and of their running, be duly settled and published: And generally, that this Act be punctually observed and execute, and do all other things to make the same effectual for the true end and intent thereof. And Ordains this present Act to be published and Printed, that none may pretend ignorance.

## XXI.

*Explanatory Act anent the Excise of Brandy.*

July 5. 1695.

**F**OR AS MUCH AS many Actions have been Commenced and Pursued before the Lords Commissioners of Thesaurry and Exchequer, to the great Vexation and Expence of the Leidges, anent the Meaning of the Act of Parliament first of December 1673, Intituled. *Act concerning the Importation and Excise of Brandy*; by which Act six shilling Scots are imposed upon each Pint, to be payed by the Retailers in smalls; and under pretence of the word Retailziers in the said Act, the Sub-taxmen and Collectors have forced the Leidges to pay for the same two or three times, and the Merchants Importers have been likewise charged therefore, notwithstanding that by the said Act, Retailziers are only lyable. For remeid of which, OUR SOVERAIGN LORD with Consent of the Estates of Parliament, does hereby Declare, that the six Shilling upon the Pint of Brandy, shall hereafter be payable only by Toppers and Retailers in smalls who sell Brandy by Pints, Gills and lesser Quantities than Pints in Taverns, Shops, Cellars, and the like, where the same is immediatly consumed, and by no others, notwithstanding of any former Practice in the contrair.

*ACT Against Intruding into Churches without a Legal Call and Admission thereto.*

July 5. 1695.



OUR SOVERAIGN LORD Considering that Ministers and Preachers, their Intruding themselves into vacant Churches, Possessing of Manſes and Benefices, and Exercing any part of the Ministerial Function in Paroches without a Legal Call and Admission to the ſaids Churches, is an high Contempt of the Law, and of a dangerous Conſequence tending to perpetuat Schiſm. Therefore, His Maſteſty with Advice and Conſent of the Eſtates of Parliament, *Statutes* and *Declares* that whoever hereafter ſhall intrude themſelves into any Church, or ſhall Poſſeſs

Manſe or Benefice, or ſhall Exercife any part of the Ministerial Function within any Paroch, without an orderly Call from the Heretors and Elderſhip, and Legal Admission from the Presbytry within whoſe bounds it lies, ſhall be incapable of enjoying any Church, or Stipend, or Benefice within this Kingdom, for the ſpace of ſeven years after their Removal from the Church, and quitting Poſſeſſion of the Stipend and Benefice into which they intruded : Likeas, His Maſteſty with Advice and Conſent foreſaid, does hereby remit the Execution of this preſent Act to Sheriffs, Stewarts Baillies of Bailliaries, and Regalities, and their Deputs, and to Magiſtrats of Burrows Royal, who are hereby Authorized and Required, to remove and declare incapable *ut ſupra*, all theſe, who ſhall hereafter intrude into Churches within their reſpective Juridiſdictions, upon Complaint from the Presbytrie, or any perſon having Warrant from the Presbytrie, within whoſe Bounds the ſaids Intruſions ſhall happen to be made hereafter ; and that upon Citation of ten days . Ordaining hereby Letters of Horning and Caption to be direct *incommuni forma*, upon Decrees to be given by the ſaids inferiour Judges, for compelling the ſaids Intruders to remove from the ſaids Churches and Manſes, and to quite Poſſeſſion of the ſaids Stipends and Benefices, and to deſiſt and ceaſe from Exercing any Ministerial Acts within the ſaids Paroches, into which they ſhall hereafter intrude. Likeas, His Maſteſty doeth hereby Recommend to the Lords of His Maſteſties Privy Council to remove all theſe, who have already, ſince the Eſtabliſhment of this preſent Church Government, intruded into vacant Churches, without an orderly Call from the Heretors and Elderſhip of the Paroch, and a Legal Admission from the Presbytry within whoſe bounds the ſaids Churches lies : As alſo, to take ſome effectual



effectual Course for stopping and hindering these Ministers, who are, or shall be hereafter Deposed by the Judicatories of this present Established Church; from Preaching or Exercising any Act of their Ministerial Function, which they cannot do after they are Deposed, without a high Contempt of the Authority of the Church, and of the Laws of the Kingdom establishing the same.

## XXIII.

*ACT anent Lands lying Run-rig.*

July 5. 1695.



OUR SOVERAIGN LORD and the Estates of Parliament taking into their Consideration, the great Disadvantage, arising to the whole Subjects, from Lands lying Run-rig, and that the same is highly prejudicial to the Policy and Improvement of the Nation, by Planting and Inclosing, conform to the several Laws and Acts of Parliament of before made thereanent: For Remedy, His Majesty with the Advice and Consent of the said Estates, Statutes and Ordains, that wherever Lands of different Heretors ly Run-rig, it shall be leifum to either Party to apply to the Sheriffs, Stewarts, and Lords of Regality, or Justices of Peace of the several Shires where the Lands ly; to the effect, that these Lands may be divided according to their respective Interests, who are hereby Appointed and Authorized for that effect; and that after due and lawful Citation of all Parties concerned, at an certain day, to be prefixed by the said Judge or Judges. It is always hereby declared, that the saids Judges, in making the foresaid Division, shall be, and are hereby restricted, so as special regard may be had to the Mansion-houses of the respective Heretors, and that there may be allowed and Adjudged to them the respective Parts of the Division, as shall be most commodious to their respective Mansion-Houses and Policy, and which shall not be applicable to the other adjacent Heretors: As also, it is hereby Provided and Declared, that thir Presents shall not be extended to the Burrow and Incorporat Acres, but that notwithstanding hereof, the same shall reman with the Heretors to whom they do belong, as if no such Act had been made.

# ACT for Obviating the Frauds of Appearand Heirs.

July 10. 1695.



OUR SOVERAIGN LORD, Considering the frequent Frauds and Disappointments that Creditors do suffer, upon the Decease of their Debtors, and through the Contrivances of appearand Heirs, in their prejudice : For Remeid thereof, and also for facilitating the Transmission of Heretage in favours of both Heirs and Creditors, His Majesty, with Advice and Consent of the Estates of Parliament, *Statutes and Ordains*, That if any man since the first of January One thousand six hundred and sixty one, have served, or shall hereafter serve himself Heir ; or by Adjudication on his own Bond, hath since the time foresaid succeeded, or shall hereafter succeed, not to his immediate Predecessor, but to one remoter, as passing by his Father to his Goodfire, or the like: then, and in that Case, he shall be lyable for the Debts and Deeds of the person interjected, to whom he was appearand Heir, and who was in the Possession of the Lands and Estate to which he is served, for the space of three years, and that in so far as may extend to the value of the said Lands and Estate, and no further ; deducting the Debts already payed : As also, with this Order, as to the time past, that all the true and lawful Debts of the appearand Heir, entering as said is, and already contracted, with the true and real Debts of the Predecessor to whom he enters, shall be preferred in the first place. As also, His Majesty, with Advice and Consent foresaid, *Statutes and Ordains*, That if any appearand Heir, for hereafter, shall without being lawfully served or entered Heir, either enter to possess his Predecessors Estate, or any part thereof, or shall purchase, by himself, or any other to his behove, any Right hereto, or to any legal Diligence, or other Right affecting the same, whether Redeemable or Irredeemable, otherwise than the said Estate is exposed to a lawful publick Roup, and as the highest Offerer thereat, without any Collusion ; his foresaid Possession or Purchase shall be repute a Behaviour as Heir, and a sufficient passive Title to make him represent his Predecessor universally, and to be lyable for all his Debts and Deeds, sicklike as if the said appearand Heir, possessing or purchasing, as said is, were lawfully served and entered Heir to his said Predecessor: Declaring always, Likens, it is hereby declared, that the said appearand Heir may bring the said Estate to a Roup, whether the Estate be Bankrupt or not : And it is further *Statute*, That where Rights or Legal Diligences, affecting their Predecessors Estates, shall be found settled in the Person of any such near Relation, to whom the appearand Heir



Heir to the foresaid Predecessor may also succeed as Heir, the appearand Heirs possessing by vertue of the said Rights and Diligences, except upon lawful Purchase by publick Roup, as said is, shall not only be a passive Title, but the said Rights and Diligences in the Person of the said near Relation, shall only be sustained as valid to exclude the Predecessors Creditors, in so far as can be qualified and instructed, that these Rights and Diligences were truly and honestly purchased for payment of Sums of Money, and no further. And moreover, His Majesty with Advice and Content foresaid, *Statutes and Ordains*, That for hereafter any appearand Heir shall have free liberty and access to enter to his Predecessors *cum beneficio inventarii*, or upon Inventory, as use is, in Executores and Moveables, allowing still to the said appearand Heir, year and day to deliberate, in which time he may make up the foresaid Inventory which he is to give up upon Oath, full and particular as to all Lands, Houses, Annualrents, or other Heretable Rights whatsoever, to which the said appearand Heir may, or pretends to succeed; which Inventory to be subscribed by him before Witnesses, duly insert and designed, shall be given in to the Clerk of the Sheriff-Court of the Shire, where the Defuncts Lands and Heretage lye; or in case the Defunct had no Lands or Heretage requiring Seasin, to the Clerk of the Shire, where the Defunct deceased: To which Inventory, the Sheriff, or Sheriff-Deput with the Clerk of the Court, shall also subscribe in Judgement, and record the same in their Registers, and give extracts thereof, for all which, the upgiver of the said Inventory shall pay no more to the Court and Clerk thereof, or any accompt, than the ordinary price of Extracts in that Court for an extract of the said Inventory: and this Inventory is to be given in, recorded, and extracted as said is, within the said year and day, to deliberate; and thereafter the foresaid Extract thereof, shall within forty days after the expiration of the said year and day, be again presented and registrated in the Books of Council and Session, in a particular Register to be appointed by the Clerk Register, for that effect: And the appearand Heir entering by Inventory, in manner foresaid, is hereby declared to be only lyable to his Predecessors Debts and Deeds, *secundum vires Inventarii*, and in as far as the value of the Heretage, given up in Inventory, will extend, and no farder. Providing always, Likeas, it is hereby specially provided, that if the aforesaid appearand Heir shall have any Intromission with the Defuncts Heretable Estate, or any part thereof, otherways than necessary Intromission, for Custody and Preservation, before his giving in, recording and extracting of the said Inventory in manner foresaid; or if he shall fraudfully omit any thing out of the said Inventory, that is, which yet he shall be found to have intromitted with, or possessed, then, and in either of these Cases, he shall loss the benefit of the Inventory, and be universally lyable, as if entered Heir without Inventory. And farder, that if any part of the said Heretable Estate shall be without fraud omitted to be given up by him in the foresaid Inventory, and shall not in the mean time be affected by the diligence of a lawful Creditor, he shall have liberty, so soon as he comes to the knowledge thereof, and within forty days thereafter, to make

an Eik of the same, to the said Inventory; Which Eik is to be made and subscribed, given in and recorded, in the same manner with the Principal Inventory above-mentioned. And lastly, it is hereby Declared, that appearand Heirs, if they please, may enter without Inventory as formerly in all Points, and that whether they enter with or without Inventory, they are still to enter by Service and Retour, or by Precepts of *Clare constat*, in manner formerly accustomed.

XXV.

## *ACT anent the Repetition of Fines*

July 10. 1695.



OUR SOVERAIGN LORD considering, that by the Eighteenth *Act* of the Second Session of this current Parliament, Intituled, *Act Rescinding the Forefaultures and Fines, past since the Year One thousand six hundred sixtyfive*; All Fines then unpaid, which were imposed by Sentences, from the first day of *January* One thousand six hundred sixty five, to the fifth of *November* One thousand six hundred eighty eight upon any person or persons for Church Irregularities or Non-conformities, or refusing of public Bonds, Subscriptions or Oaths, for not obeying Acts, Proclamations and Orders thereanent, Resetting or Conversing with Rebels, for the Causes foresaid, refusing to depone in Lybels against themselves, in Capital Cases, albeit restricted to an Arbitrary Punishment; with all Hornings, Denunciations and Intercommunings, given, pronounced, and issued furth in Parliament, or by an other Court or Commission against any persons, for the saids Causes, are expressly discharged: And further, that by the foresaid Act, it was remitted to the Commission, appointed for Fines and Forefaultures, to consider the Grounds of Repetition of such of the said Fines as were payed to Donators, or others having Right from them, and other privat Parties: And also considering that the said Commission hath given no Decision or Determination upon the foresaid Remit, whereby the Parties lesed, who made payment of the said Fines in manner foresaid, to Donators, and others, have as yet received no Redress: Therefore his Majesty, with Advice and Consent of the Estates of Parliament, Doth *Statute and Declare*, That where Fines were imposed by Sentences from the first of *January* One thousand six hundred sixty five, to the Fifth of *November* One thousand six hundred eighty eight, upon any person for Church Irregularities and



and Non-conformities, or refusing of publick Bonds, Subscriptions and Oaths, for not obeying Acts, Proclamations and Orders thereanent, Resetting of, or Converſing with Rebels for the Cauſes foreſaid, refusing to depone upon Libels againſt themſelves in capital Caſes, albeit reſtricted to an arbitrary puniſhment, and that the Perſons ſo fined, have made payment of the hail of the ſaid fines, or any part thereof, to Donators or others, that it ſhall be leiſom for them to purſue the ſaid Donators or others for repetition, and who are hereby declared lyable to reſound what they have received, together with the Annualrent thereof ſince *Martinmas* One thouſand ſix hundred eighty eight. And further, His Maſteſty, and the Eſtates of Parliament, having conſidered the Act made in the year One thouſand ſix hundred and ninety, Reſcinding Fines and Forefaultures, and that thereby the forefaulted Perſons are reſtored to their Lands, Rents and Poſſeſſions, and the Compoſition made by them or others in their Name, ordained to be repayed by the Donators or others; and ſeing it is juſt, that the Annualrents of the ſaid Compoſitions, ſince the date of the foreſaid Act be likewise payed. Therefore, His Maſteſty, with Advice and Conſent foreſaid, *Statutes* and *Ordains*, that Annualrent from the Date of the ſaid Act be repayed, with the Compoſitions themſelves, excepting always furth and frae this Act, all Fines impoſed by Mr. *John Meinzieſ* Advocat, while Sheriff-Deput of *Lanerk* in regard it is notorly known he fined not for any Advantage to himſelf, but for prevention of rigorous Execution from others, and remits all Cauſes for repetition of Fines depending before the Parliament or Commiſſion to be diſcuſſed by the Lords of Seſſion ſummarily, without abiding the courſe of the Roll. And it is further declared, that where any perſon forefaulted and reſtored as above, ſhall be found to be poſtpoſed in diligence, either for his Payment as a Creditor, or his Relief as a Cautioner, by reaſon of his forefaulture, he ſhall now, after his Reſtitution be in the ſame Caſe for preference, as if he had done all Diligence poſſible for him, if not forefaulted.

## XXVI.

***ACT Discharging Popish Persons to prejudice their  
Protestant Heirs in Succession.***

July 11. 1695.



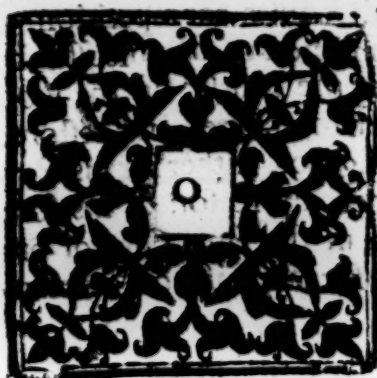
OUR SOVERAIGN LORD understanding, that Parents, and others of the Popish Religion, and that are ſo affected, Do reſtrain and overawe their Children, and appear and Heirs, ſo as they cannot, though convinced in their Conſciences, by the Light of the Truth, abandon the Popish Errors and Superſtitious of their ſaid Parents, for fear that they may be by them diſ-inherited, and deprived of any Benefit

fit of Succession, that they may have, by their said Parents, and others foresaid; Do therefore, and for Remeid thereof, *Statute and Ordains*, with Advice and Consent of the Estates of Parliament, that it shall not be leisom, nor in the power of any profest or known Papist, to make any Gratuitous Deeds, or Disposition in prejudice of their appearand Heirs and the Benefit they may have, by their Succession to, and in favours of any other Person, or Persons whatsoever; Declaring, Likeas, it is hereby declared, that no such Disposition or Deed, shall be of any force but shall be judged to be gratuitous, unless that both the Person granter, and the Writer and Witnesses in the Deed, shall declare upon Oath, and also qualify satisfyingly, before the Judge Ordinary of the Bonds, that the foresaid Disposition and Deed was made and granted, for true, one-rous, and adequat Causes; or otherways that the same shall be null and void, in maner above-Statute.

## XXVII.

*ACT Concerning the Church.*

July 16 1695.



OUR SOVERAIGN LORD, Being sensible of the Hurt and Mischief that may Ensue, upon the exposing of the Peoples Minds to the Influence of such Ministers, who refuse to give the Proofs required by Law of their Good Affection to the Government; And withall desirous, that in the first place, all gentle and easie Methods should be used to reclaim men to their Duty, whereby the present Establishment of this Church, may be more happily preserved, the knowledge of the Truth, with the practice of true Piety more successfully advanced, and the peace and quiet of the Kingdom more effectually settled: Hath thought good to allow, and with Advice and Consent of the Estates of Parliament, hereby allowes to all Ministers that were at the time of His Majesties happy Accession to the Crown, and have since continued actual Ministers in particular Paroches, and no Sentence either of Deposition or Deprivation past against them, and have not yet Qualified themselves, conform to the Act of Parliament 1693, Intituled, *Act for taking the Oath of Allegiance and the Assurance*, a new and farder day, viz. the first of September in this present year 1695. to come in and take the said Oath of Allegiance, and to subscribe the same with the Assurance betwixt and the said day, and that either before the Sheriff, or Sheriff-Deput of the Shires, or the Provost or Baillies of the respective Burghs, or any other Inferior Magistrat of the Bounds where they live, or before any Privy Counsellor, with a  
Certificat



Certificat under the hand of the said inferior Judges, or Privy Counsellor, to be reported to the Lords of His Majesties privy Council, or their Clerk, within the space of twenty one days after the date of the said Certificat : Declaring, that all such as shal duely come in and qualifie themselves as said is, and shal behave themselves worthily in Doctrine, Life, and Conversation as becomes Ministers of the Gospel, shall have and enjoy His Majesties Protection, as to their respective Kirks and Benefices, or Stipends, they always containing themselves within the Limits of their Pastoral Charge within their said Paroches, without offering to Exerce any power, either of Licensing, or Ordaining Ministers, or any part of Government in General Assemblies, Synods, or Presbyteries, unless they be first duely assumed by a competent Church Judicatory; in which Case, it is hereby farther declared, that the foresaid Ministers first qualifying themselves as above, may be assumed by the respective Church Judicatories to which they belong, and shall apply to partake with them in the present Established Government thereof : Providing nevertheless, that as the said Ministers who shal qualifie themselves as said is, are left free to apply or not, to the foresaid Church Judicators : So the said Church Judicatories are hereby also Declared free to assume, or not assume the foresaid Ministers, though qualified as they shall see cause: *With Certification*, that such of the said Ministers, as shall not come in betwixt and the said day, are hereby, and by the force of this present Act, *ipso facto*, Deprived of their respective Kirks and Stipends, and the same Declared vacant without any further Sentence. And His Majesty being purposed, that His Grace shall be still patent to all ; doth further Declare and Statute with consent foresaid, that at what time soever any Minister, either settled in a Church, or not, shall upon Application, be judged fit to be assumed by any competent Church Judicatory, as said is, the foresaid Minister, upon a Certificat thereof from the said Judicatory, shall be admitted and allowed to qualifie himself, by taking the Oath of Allegiance and subscribing the same with the Assurance in manner foresaid, albeit the said first of *September* be past and elapsed. And His Majesty with Consent foresaid, Allows, Declares, and Statutes as above, any thing in the foresaid Act 1693, or in the other Act of the same Session of Parliament, Intituled, *Act for settling the Quiet and Peace of the Church*, notwithstanding. And His Majesty with Consent foresaid, for the greater Encouragement of all Ministers of the Gospel, not only ratifies the Act of Parliament 1669, forbidding all Suspensions of special Decrees and Charges for Ministers Stipends, or the Rents of their Benefices, except on production of Discharges, or upon Consignation in manner therein provided: But further Statutes and Ordains, that there be no Advocation, or Sift of Process granted of Actions for the said Stipends, or Rents of Benefices, when pursued before inferior Judges, and that in the case of a Decree, there be neither Suspension nor Sift of Execution granted, except on production of clear Discharges or Consignation as said is, and if any Suspension be past, that the same be summarily discussed at the Instance of the Charger, without abiding the Order and Course of the Roll : And that if the Letters be found orderly proceeded, the Suspender be also Decerned at least

in a fifth part more than the Sums charged for, with what more the Lords shall judge reasonable to be payed to the Charger for his Expence and Damage. And if any Minister shall happen to pursue for his Stipend by way of ordinary Action before the Lords, it is hereby farther Ordained, that the same be summarily proceeded in, and discussed without abiding the Course of the Roll. And lastly, for a more ample Declaration of an Act made in this Session of Parliament, for encouraging of Preachers at Vacant Churches Be-North *Forth*, His Majesty with Consent foresaid, extends the same not only to Preachers who are not settled in Churches, but also to such Ministers who though settled in Churches, are yet sent from time to time from any Prebytry or Synod of this Church without their own Presbytry, to supply the said Vacancies, to the effect, that the said Ministers settled, as well as the said Preachers not settled, may equally have the benefit of the said Act, in the terms thereof.

## X XVIII.

*ACT for the Additional and Annexed  
Excises.*

July 16. 1695.



THE ESTATES of Parliament, taking to their Consideration, that for the maintaining of the present standing Forces, and the necessary Defence of the Kingdom, and Coasts thereof, against the Dangers that continue to threaten from the present War; an Additional Fond, to the Supplies already given, in this present Session of Parliament, is requisite: Do therefore for the said Fond, and over and above the Excise of *two Merks* upon the Boll of Malt, and the Excises on Strong-Waters and Brandy, and Forraign Beer annexed to the Crown, heartily offer to His Majesty, an Additional Excise of *two pennies* upon the Pint of Ale and Beer, browen to be Vended and Sold; As also, of *two shilling* upon each Pint of Aquavitæ and strong Waters, brown or made of Malt, to be vended and sold within the Kingdom: And likewise an Additional Excise of *two shilling* upon each Pint of Aquavitæ and Strong-Waters brown, not made of Malt, excepting what is made of Wine; and that during the space of *twelve Months*, commencing from the first day of *September* next. And His Majesty, and Estates of Parliament, considering the Advantages of a greater Consumption, and better Liquor arising, both to the Heretors, Brewers, and the whole Leidges of the Kingdom, by laying all Excises upon the Liquor, and not upon the Malt; as also the manifest conveniency that the said Annexed Excise formerly on the Malt be converted upon the Liquor, that both these Excises may be uniformly raised and  
uplifted



uplifted, with less Charges and Expenses, with which Reasons, and the Truth thereof, after mature Deliberation, the Estates of Parliament are satisfied, and fully convinced that His Majesty getting an Equivalent, the same are just and important, concerning both His Majesties Interest and the publick Good and Welfare of this Kingdom. Therefore His Majesty, with consent of the said Estates, hath dissolved, and hereby dissolves the foresaid Annexed Excise of *two Merks* upon the Boll of Malt, from the Crown and Patrimony thereof. Rescinding, likeas, His Majesty hereby rescinds the Act of Parliament 1685. giving, and Annexing the foresaid Excise of *two Merks* upon the Boll of Malt to the Crown, in so far as, it gives and annexes the same allannerly, and no farder: Together with all Tacks, Contracts or Commissions, made or granted, of, or concerning the foresaid annexed Excise, hereby dissolved and taken away; Declaring the said Tacks, Sub-tacks, Contracts, and Commissions to be fallen therewith in *Consequentiam*, after the first day of *September* aftermentioned: In place of the which annexed Excise, and as an Equivalent, in Lieu thereof, the Estates of Parliament, for the usefulness of this Grant, to support the Interest of the Crown, do humbly and unanimously offer to His Majesty, over and above the foresaid *two pennies*, and other additional Excises, above-mentioned, an Excise of *three pennies* more upon the Pint of all Ale and Beer browen to be vended and sold as said is; As also, of *three shilling* more upon ilk Pint of Aquavita or strong Waters, not made of Malt browen and sold within this Kingdom: *six shilling* upon ilk Pint of Forraign Aquavita, Brandy, or strong Waters: and *thirty shilling* upon ilk Barrel of imported Forreign drinking Beer: and this Excise hereby given in Lieu of the foresaid annexed Excise of *two Merks* upon the Boll of Malt, and Ordained to commence from the foresaid first day of *September*: His Majesty, and the Estates of Parliament, by the force of this present Act, have United and annexed, and Unites and annexes the same to the Crown of this Realm, to remain therewith, as annexed Property in all time coming. And His Majesty, with Advice and Consent foresaid, do appoint the payment of the said Two Excises, unannexed and annexed, extending to *five pennies* upon the Pint, so long as they shall concur, to be as follows, *viz.* For the first two Moneths, upon the first day of *November* next to come and thereafter quarterly, and proportionally, so long as they shall concur, and stand together; and thereafter the foresaid new annexed Excise to be payed at such Terms as His Majesty and Successors shall please to appoint; And for making of the said two Excises effectual for their respective Endurances, His Majesty, with Consent foresaid, doth impose and ordain the foresaid two Excises upon Ale and Beer, to be raised and uplifted from all Brewers of the said Liquors browen and made to be vended and sold, as said is; and the said Excises upon Aquavita and strong Waters to be raised and uplifted from all Retailiers thereof. And for the raising and inbringing of the said Excise, His Majesty, and the Estates of Parliament do hereby Appoint and Authorize the Commissioners of the new Supply, appointed in another Act of this present Session of Parliament to be the Commissioners of the Excise,

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during

during the respective Endurances of the said two Excises, for the severall Shires, for the end foresaid, and the Royal Burghs to have the same number of Commissioners, as was appointed by the fourteenth Act of the Parliament 1661. empowering them fully for that effect, conform to the Rules and Orders formerly Enacted for raising and inbringing the former annexed Excise upon Malt: As also to set down and cause observe such other Rules as they shall Judge necessary, agreeable always to the Acts of Parliament already made about the foresaid Excise. And that the said Excises on Liquor may arise more equally, it is hereby Statute That during the Concurrence of the said two Excises, the lowest price of Ale or drinking Beer to be brewed and vented and sold for hereafter, shall in all Burghs, where the Burgh hath an particular Imposition on Malt or Liquors, be *twenty eight pennies* for the Pint, to be payed by the Buyer to the Ventner or Tapster, and in all other places, both to Burgh or Landward, *two shilling* the Pint, with Certification that the Ventner transgressing, by selling under the said Rates, shall be fined by the said Commissioners in the Sum of *ten pounds Scots* at the instance of any other Brewer or other Complainer *toties quoties*, to be applyed by the saids Commissioners for Pious and Publick Uses, within their respective Shires; And farther, be either put under sufficient Surety to observe this Rule for hereafter, or if he cannot find Surety, discharged to brew in time coming, at the sight of the saids Commissioners. And further, His Majesty, with Advice and Consent foresaid, doth hereby Declare and Enact, that if any Brewer in use to brew for Sale and Change shall give over Brewing after the Date of this Act, without an Allowance in Writing from the Commissioners of Excise, for good and seen causes, the said Brewer shall not be permitted to brew for Change, for the space of five years thereafter, but shall be, and is hereby Discharged and rendered incapable to do the same. As likewise, it is hereby Statute and Ordained, that no persons whatsoever who have not been in use to brew for the service of themselves and their Family in time past, shall presume to brew after the first day of *September* next to come, for their own and their Families use, and if they contraveen that they shall be lyable in payment of the value of what they shall brew. And His Majesty, with consent foresaid, doth Ordain the said Commissioners to meet the first *Tuesday* of *September* next, at the Head Burgh of every Shire *respective*, and afterwards upon the first *Tuesday* of ilk Moneth where they shall appoint. And it is hereby specially provided, that if either Collector or Farmer, shall presume to raise or Levie the said Excise upon the Malt, or otherwise than upon the Liquor, he shall incur the pain of an *100 Merks*, *toties quoties*, to be decerned and exacted by the said Commissioners, or by the Lords of Privy Council, in case the saids Commissioners shal overlook the same: as also, that the Brewer assenting thereto, or complice therein, shall incur the pain of *fifty Merks*, and also amitt and lose the Liberty of brewing, which Fines are also hereby appointed to be applyed *ut supra*: And it is hereby declared, that if any Tackf-man or Collector or other person shal exact any thing over and above his Excise for the Discharges thereof, or for the Discharge of any other publick Dues whatsoever, it shall be repute as Oppression, and punished accordingly by the



the said Commissioners, who are hereby impowered to proceed against the persons guilty. And His Majesty, with Advice and Consent foresaid, do Authorize and Impower the Lords of Privy Council to prescribe such other Methods and Orders as they shall judge necessary for making this Act effectual.

## XXIX.

*A C T For Continuing the Additional Excise till  
March 1697., with three Months farther Cess.*

July 16. 1695.



## THE ESTATES OF PARLIAMENT

Taking to their further Consideration, the present State of the Kingdom, and publick Exigences thereof; Have thought fit to Offer, and do hereby Humbly and Heartily offer to His Majesty, that the Additional Excise of Two Pennies upon the Pint of Ale and Beer, and other Liquors Imposed for an Year, beginning the first of September next, by an Act of this Session of Parliament

be continued from and after the expiring of the said Year, until the first of March 1697. And likewise, the Sum of Two Hundred and sixteen Thousand Pound, being Three Months Cess upon the Land-Rent of this Kingdom, payable at the Term of *Lambmas* 1696 years, and that over and above the Six Months Cess already granted by another Act of this Session of Parliament: And accordingly His Majesty, with Advice and Consent of the said Estates, *Statutes and Ordains*, That the said Additional Excise hereby continued as said is, and the said Three Months Cess payable at *Lambmas* 1696, granted by this present Act, shall be raised, uplifted and ingathered from the persons lyable in payment, in manner and for the ends appointed by the saids two respective Acts above-mentioned.

## XXX.

*ACT for Preservation of Meadows, Lands and Pasturages lying adjacent to Sand-Hills.*

July 16. 1695.



OUR SOVERAIGN LORD Considering that many Lands, Meadows and Pasturages lying on the Sea-Coasts have been ruined and overspread in many places of this Kingdom, by Sand driven from adjacent Sand-Hills, the which has been mainly occasioned by the pulling up by the Root of Bent, Juniper and Broom-Bushes, which did loose and break the Surface and Scroof of the saids Hills; and particularly considering that the Barony of *Combin*, and House and Yards thereof, lying within the Sherifffdom of *Elgin*, is quite ruined and over-spread with Sand, the which was occasioned by the foresaid bad practice of pulling the Bent and Juniper. Therefore His Majesty, with Advice and Consent of the Estates of Parliament, for preventing of the like Prejudices in time coming; Does strictly prohibite and Discharge the pulling of Bent, Broom, or Juniper off Sand-hills for hereafter, either by the Proprietors themselves, or any other whatsoever, the same being the natural Fences of the adjacent Countries to the saids Hills; Certifying such as shall contraveen this Act, they shall not only be lyable to the Damnges that shall there-through insbew, but shall likewise be lyable in the Sum of Ten Pounds of Penalty; the one half thereof to belong to the Informer, and the other half to the Judge within whose Jurisdiction the said Contravention shall be committed.

## XXXI.

*ACT For turning the Tack of the Pole 1693, into a Collection.*

July 16. 1695.



OUR SOVERAIGN LORD Considering, that albeit the Pole granted by Act of Parliament, in the year 1693, was set by the Lords of Thesaury and Exchequer, to the Lord *Ross*, Sir *John Cochran* of *Ochiltrie*, and others mentioned in the Tack thereof, for the Sum of Fourty four Thousand, one hundred Pounds *Sterling* of Tack-duty, as the Tack in it self bears: Yet the Levying of Money



ney by Pole being now, and the Countrey and others concerned, not observing the Rules and Ordinances contained in the Act of Parliament thereanent, but through their failzying, incurring the Quadruples appointed by the said Act by way of Penalty; The foresaids Tacksmen, were not able to pay the foresaid Duty, unless they had been allowed to exact the foresaid Quadruples, which had visibly tended to the great Oppression and Disturbance of the whole Kingdom. THEREFORE, and in so singular a Case, which His Majesty is resolved shall never be drawn into Example, His Majesty with the Advice and Consent of the Estates of Parliament hath Liberated, and hereby Liberates the foresaid Tacksmen, and all others concerned therein, from the said Tack and Tack-Duty, Discharging and Exonerating them of the same, but with this Condition and Provision. Likeas, His Majesty with Advice foresaid, hereby Statutes and Provides, That the foresaid Tacksmen shal make just Compt and Reckoning of all their Intromissions with the said Pole-money, Sicklike, as if they had only been Collectors, and instead of the said Tack had got a Commission allanerly for that effect, withand under always the particular Conditions following, First, that the said Tacksmen be lyable for all the Sub-collectors and Managers Imployed by them. Secondly, that all their Books be made Patent, and Examined. And that the Tacksmen and their Sub-Collectors be examined upon Oath, as to the verity thereof, and whether there be any thing Omitted. Thirdly, that in case it be found, there was any thing Received from the Countrey, not given up in the Books: That the Tacksmen, or their Sub-Collectors be lyable in *Twenty shilling*, for each *Shilling* so Omitted. Fourthly, that the Rolls of the poleable Persons taken up by the severall Justices of Peace, Magistrates of Burghs, and others be produced to be compared with the Books. Fifthly, that a few Comptrollers be appointed to examine Books, and Accompts, and adjust the whole matter, and that the Leidges be Invited and Encouraged to Comptroll the said Accompts, and that they be patent at a publick Office for a reasonable time to all the Leidges for that end. Sixthly, That the Order of Payment, viz. Of the Country in the first place, and then of the Forces, as prescribed by Act of Parliament, be duely and strictly observed by the Commission after-mentioned. Seventhly, That upon Accompts instructed and Liquidat, in due manner, Retention be allowed by the Commission to those to whom the said Accompts are due, in the Terms of the Act of Parliament. Eightly, That where any Sub-tack hath been set by the said Tacks-men, the Sub-tacksmen have in their Option, either to pay the Sub-tack-duty, or make Compt, Reckoning and payment of their Intromission, as Sub-collectors. Ninethly, That no Sallaries be allowed, or given to the said Tacksmen, or their Sub-tacksmen, for their collecting. And to the Effect, the said Compt and Reckoning may proceed; His Majesty with Advice and Consent foresaid; Hereby Nominats and Appoints the Duke of *Queensberry*, the Earls of *Linlithgow* and *Levin*, Sir *John Lander* of *Hattoun*, the Laird of *Livingstoun*, the Laird of *Torwoodlie*, Sir *William Hamilton*, Sir *Archibald Mure*, and *William Menzies* Commissioners, three of every

State, Chosen by the Parliament, for that Effect, whereof any five to be a *Quorum*, to meet at *Edinburgh* the first lawful day after the Rising of this Session of Parliament, and thereafter at such days as the said Commission shall appoint. Likeas, one of the Commissioners of His Majesties Thesaury is allowed to be present, with Right to Vote, But so as his Presence shall not be necessary to make up the foresaid *Quorum*, with Power to the said Commissioners, to take in the Accompts of the said Tack-men their Intromission, as if they had been Collectors, and to make them Account for their Collection, in manner, and under the Conditions above set down; And to Determine all Differences betwixt the said Tack-men and the Countrey, and the Officers, and Souldiers, anent the Premises: As also with Power to the saids Commissioners to do every thing necessary, for In-bringing of what is yet resting unpaid of the said Pole by the Countrey, and for making the same effectual; And also to Decide, and finally Determine all Questions, that may arise concerning the Preference of Officers of the Army interested, or their being brought in equality to get their Shares of Payment out of the Subject of the said Pole, as likewise with Power to them to allow, or not to allow Expenses for In-bringing the said Pole to the said Tack-men, and their Sub-tacksmen now turned to Collectors, and Sub-Collectors as they shall see Cause: And generally to do all other things anent the Premises, that they may bring the foresaid Tacksmen their Intromission and Collection to a clear State and Ballance: and also for In-gathering what shall be found Resting of the said Pole-money, either in the Hands of the said Tacksmen, or in the hands of any other person lyable therein, and cause pay in the same to His Majesties General-Receiver of the Crown Rents, providing that the said Commissioners use the same and no other Method or Diligence for In-gathering than what is prescribed for In-gathering of the new Pole: The Quadruples in the Act anent the Pole 1692. being hereby Expressly Discharged, and farder, with Power to apply the whole neat Product thereof by Precepts on the said General-Receiver, conform to the Destination contained in the Act of Parliament, and in the Order, and under the Certification therein-specified: And it is hereby farder Declared, that for what shall be still found Resting by the said Tacksmen, after just Compt and Reckoning, their Cautioners for the foresaid Tack-Duty shall be lyable therefore, notwithstanding that the foresaid Tack be hereby Dissolved and turned to a Commission or Collection as said is; and it is farder hereby provided, that the Commissioners above-named shall be, and are hereby Appointed to be, Commissioners for Calling for, examining, and concluding the Accompts of the three Months Cels, *viz.* And of the Hearth-money, imposed in the year 1690, with Power to them to call All Collectors, Intrometters, and other Persons concerned, in so far as they have not Compted to, and got Discharges from the Lords of Thesaury, and make them Compt, Reckon, and Pay as accords; and farder to take such Methods as they shall thing fit, to uplift and bring in the Rests of the said Hearth-money yet resting by the Countrey,



they according to the Orders and Proclamations already given and Emitted in that Matter, and to appoint Collectors for that End, or Farm the same as they shall think fit, and Generally to do all other things necessary, for the full and final Clearing of the said three Months Cess and Hearth-money, and farther the said Commissioners are hereby Impowered to put the whole of the said Pole-money hereby Ordered to be Computed for, to a Roup, and Assign, and Ajudge the same to the highest Offerer: with this provision that it shall not be Rouped for less than Thirty thousand pound *Sterling*, and that the said highest Offerer have the whole Powers hereby given to the said Commission for In-gathering thereof, and this Power is also extended to the Rouping of the Rests of the said Hearth money as they shall see Cause. And lastly it is hereby Declared, that if any of the saids Commissioners shall happen to Depart this Life, His Majesty shall have the Naming and Appointing of one in his place out of the same state to whom the Person Deceased belonged.

## XXXII

*ACT For Encouraging the Exportation of Viſual*

July 16. 1695.



HIS MAJESTY AND ESTATES OF PARLIAMENT Considering That the Grains of all sorts, are the greatest product and Commodity of this Nation; and Considering how necessary it is for the Promoving of Tilladge, and Improvement of Trade, to the best Advantage of the Kingdom, that an effectual Encouragement be granted for Exportation of Corns and Viſual furth thereof. Therefore His Majesty, out of his Royal bounty, with Consent of the Estates of Parliament, *Statute and Ordain*, that all sorts of Grains exported out of the Kingdom after *Martinmas* 1696, shall be free of any Dues formerly payable for Exportation; and that for encouraging Export after the said Term, there shall be given out of the Customs to the Exporter, upon his Oath of Verity, of the number of the Bolls, Exported, Subscribed with his Hand, and Attested by the Collector of the next adjacent Custom-house, Eight Merks for ilk Chaldier of Grain, that shall be exported by Sea or Land, when they shall not exceed the Prices following, *viz.* when Wheat is at or under Twelve Pound the Boll; Bear, Barely, and Malt, at or under Eight Pound *per* Boll; Pease, Oats, and Meal, at or under six Pounds *per* Boll; all the saids Grains being of *Linlithgow* Measure. With this provision always, that the said Exportation shall be by *Scots* Men, or in *Scots* Ships; and that the Master and Three fourth parts of the Seamen of the said Ships, shall be *Scots* Men: As also, with this Provision, that when the Grains exceed

exceed the foresaids Rates, the Lords of His Majesties Secret Council may Discharge the Exportation of Victual of all sorts, ay and till the Grains fall to the Prices foresaid.

XXXIII.

### ACT For the Levies.

July 17. 1695.



THE ESTATES OF PARLIAMENT Considering how necessary it is, that during this present War, which so much concerns the Defence and Security of the *Protestant Religion*, and of His Majesties Kingdoms certain Rules and Orders should be laid down for Recruits and Levies, as they shall be found needful, whereby both the Kingdom may be delivered from the frequent Disorders and Oppressions of pulling away poor Men from their Wives and Children, that cannot subsist without their Handy-Labour, and the Engaging and Seasing of other unfit men, no ways proper for the Service, which hitherto hath been found a most sensible Grievance, and whereby also His Majesties Service, for the maintaining and carrying on of the said War, may be more effectually promoted: And the said Estates taking likewise into their Consideration, that all Heretors, and the superior sort of His Majesties Leidges, do really Contribute to the foresaid War, by their paying of Supplies, Pole money and Excise, and other publick Burdens; whereby it seems most reasonable, that the Inferior sort, that Contribute little or nothing, specially such who are young Men, without Wives or Children, and do Earn their Living by Dayly Wages, or Termly-hire for their Handy-work, and who by the Laws of the Land may be compelled to serve, His Majesties other good Subjects should be made lyable to contribute their Service for a certain space in the foresaid War, which is manifestly most necessary for the Defence and Security of themselves and the whole Kingdom, beside the other Advantages of Profit and Honour that thereby may acrew to them. Therefore His Majesty, with Advice and Consent of the Estates of Parliament, *Statutes and Ordains*, that until the next Session of this Parliament, and for the Service of the present War, either at Home or Abroad, there shall be furnished to His Majesty, the Number of One Thousand Men Yearly, when His Majesty shall Require them, to be Proportioned and Levied, conform to the Rules and Proportions contained in the Act 1663, Intituled, *An Humble Tender to His Sacred Majesty of the Duty and Loyalty of His antient Kingdom of Scotland*, as to the Twenty thousand Foot therein mentioned; which Thousand Bodies of Men, shall be Furnished and Levied, without any Charge or Furden of Money on the Country whatsoever, in this manner, *Viz.* That the Commissioners



ners of Supply for the respective Bounds where the said Proportions shall fall, first design, and cause be given, the Idle, Loose and Vagabond Persons, lyable by former Acts of Parliament, to be seized by Sheriffs, and who have not Wife and Children, to make up the foresaid Number; and in the next place, shall cause all the young Fensible Men of the Bounds not having Wife and Children, and who are not Menial or Domestick Servants to any Heretor, but Earn their Living by dayly Wages, or by Termly Hire payed them by other Masters for their Handy-Labour; to meet at certain Days and Places, and there by Lot, and throwing of the Dyce, or otherwise as they shall think fit, Determine which of them shall go furth to serve as Souldiers, with this Provision, that the foresaid persons being all first listed by the said Commissioners, and appointed to Meet as said is, if any of them shall be absent, any Heretor to be appointed by the said Commissioners, shall throw for him, and if the Lot shall fall on that person absent, or if he shall be otherways designed to be put furth by the said Commissioners, he shall be lyable in all time thereafter as a Defeter, sicklike as if he had been present; and with this Encouragement to the whole foresaid Persons, to be put forth in manner foresaid, that they shall have Twenty Pounds *Scots* payed them in ready Money, by the Officer who receives them, at the sight of one of the saids Commissioners; and in the next place, that their being put furth and engaged as said is, shall not oblige them longer to be and continue Souldiers, than for the space of Three years, and the first of *November* after the said years, from the time of their said Engagement, at which time they shall have an authentick free pass, unless they Subscribe a new Consent to continue longer in the Service. And the further Execution of this Act, that the foresaid Levies and Recruits may be effectually raised in the most easie manner, is Referred and Recommended to the Lords of his Majesties Privy Council, who are hereby thereto fully impowered, during the continuing of this War, and no longer. And after so just a Condescendance for Facilitating of Levies and Recruits, It is hereby *Statute and Ordained*, that no Officer, either at Home or Abroad, offer to take on or press any free Leidge to be a Souldier unless the Man be taken on by Agreement, owned by him in presence of the Judge of the Bounds; and if any Officer shall Contraveen this Order, and Press or Compel any man, contrair to the Rule hereby established, that it be reckoned Oppression, and the Transgressor punished by the Fine of a Months pay, and farder by Imprisonment, or Breaking or Casheiring, as the Lords of Council shall think fit. And it is farder hereby *Statute and Ordained*, that all Officers exacting Lodging, Coal and Candle *gratis*, for themselves, their Wives or Children, shall lose and tyne their Commission; and that all Souldiers Exacting Lodging Coal and Candle *gratis*, for their Wives and Children, shall be lyable for the parties Damage, to be payed by their Commanding Officers, at the sight and appointment of any Magistat within Burgh, or other Judges to Landward Certifying the Officer failieing herein, that he shall be lyable in Three Months pay, and farder punished as the Lords of Council shall appoint; which Fines are also to be applied for reparation of the Parties in the first place, and the *Superplus* as the Council shall think fit.

## XXXIV.

*ACT For Additional Imposition upon Forraign Com-  
modities Imported.*

July 17. 1695.



HE Estates of Parliament, Considering the great Concessions granted by His Majesty in this present Session of Parliament, in favours of the Natural Product of this Kingdom, by the Encouragement given for the Exporting of Corns, and the many Priviledges allowed for the Improvement of Trade and Manufactories; and that it is reasonable, there should be such Additional Duties and Customs laid upon Forraign imported Commodities, in requital for His Majesties gracious Favour, Do with all humble Duty and Thankfulness, offer to His Majesty the additional Duties upon the Forraign Commodities after-mentioned, and that by and attour what they were formerly lyable unto by Acts of Parliament preceeding the Date hereof, as by the following Table.

	Lib.	sh.	d.
<i>Imprimis</i> , Upon all Wine imported from <i>France</i> of New-Duty.	18	00	00
Which with the 30 <i>lib. scots</i> formerly imposed by the Privy Council upon the account of the Sumptuary Act, makes in all <i>per Tunn</i>	48	00	00
<i>Item</i> , Spanish Wine from <i>Spain</i> , the Imposition formerly imposed by the Council, is hereby Ratified, which is <i>per Tunn</i> .	30	00	00
<i>Item</i> , On Brandy, the former Duty of Twenty pound <i>sterling</i> , being ordinarily reduced by the Lords of Thesaury and Farmers to Twelve pound <i>sterling</i> ; there is added of New-Duty <i>per Tun</i> , by and attour the said 12 <i>lib</i> .	72	00	00
<i>Item</i> , Upon Mum-Bear, over and above the old Duty, there is hereby added of New-Duty <i>per Barrel</i> .	06	00	00
<i>Item</i> , On Tobacco in Leaf, not from the Plantations of New-Duty <i>per pound</i>	00	02	00
<i>Item</i> , On Tobacco in Roll not from the Plantations, of New-Duty <i>per pound</i> .	00	04	00

*Item*



<i>Item</i> , On all <i>French</i> Wines imported from <i>Holland</i> , or any where else not of the Growth of the place from whence it is Exported, by and attour the above-written Duty, there is added of New-Duty per Tunn	30	00	00
<i>Item</i> , On all <i>Spanish</i> Wine from any place except <i>Spain</i> of New-Duty per Tunn.	48	00	00
<i>Item</i> , On <i>Rasins</i> and <i>Currens</i> from any place not of the Growth from whence they are exported per hundred Weight, of New-Duty.	02	00	00
<i>Item</i> , On <i>Figgs</i> imported after the same manner per 100 Weight of New-Duty.	01	08	00
<i>Item</i> , On <i>Sugar</i> in <i>Loaf</i> imported, of New-Duty per 100 Weight.	03	00	00
<i>Item</i> , On <i>Soap</i> imported of New-Duty per Barrel.	02	00	00
<i>Item</i> , On all sorts of <i>Wrought Silks</i> , <i>Silk-Plushes</i> , <i>Stockings</i> , of New-Duty per pound Weight.	01	10	00
<i>Item</i> , On all sorts of <i>Silks</i> wrought of <i>Gold</i> and <i>Silver</i> , per pound weight of New-Duty	03	00	00
<i>Item</i> , On all <i>Silver</i> and <i>Gold Fringes</i> , <i>Silver</i> and <i>Gold Laces</i> , <i>Gallouns</i> and <i>Embroideries</i> imported, per pound weight of New-Duty.	03	00	00
<i>Item</i> , On all <i>Forraign Laces</i> and <i>Points</i> Imported, of New-Duty Ten per Cent value.			
<i>Item</i> , On all <i>Forraign Woolen Cloath</i> imported, of New-Duty per Eln.	00	12	00
<i>Item</i> , On all <i>Forraign Sarges</i> and <i>Worsted-Stuffs</i> imported of New-Duty per Eln.	00	06	00
<i>Item</i> , On all <i>Forraign Flannels</i> , <i>Fingrums</i> , of New-Duty per Eln.	00	04	00
<i>Item</i> , On all <i>Linen-Cloath</i> imported from <i>Forraign Countries</i> , of New-Duty per whole Piece at 36 Elms.	12	00	00
<i>Item</i> , On the <i>Half Piece</i> of <i>Forraign</i> imported <i>Linen-Cloath</i> of New-Duty.	06	00	00
<i>Item</i> , On all <i>Silefia-Linen</i> , of New-Duty per Piece being 5 Elms.	01	00	00
<i>Item</i> , On all <i>Threed</i> imported, of New-Duty five per Cent value.			

Which Duties and Customs above-specified, Our Sovereign Lord with Advice and Consent of the Estates of Parliament, Statute and Ordain to be payed by all Merchants and other Importers of the said Forraign Commodities, in the same manner as the other Duties to which they were formerly lyable; And Ordains all Farmers, Collectors, Surveyers, and others, to In-gather the same, and that after the same manner they do His Majesties other Duties upon Forraign imported Commodities, and that from and after the Term of *Martinmas* 1696 years: And hereby Discharges the

the said Collectors, Farmers, Surveyers, and other In-bringers of His Majesties Customs to Transact, Abate or allow of any Defalcation of the Additional Duties above-specified, under the pain of Deprivation of their Offices, and losing the Benefit of their Tacks.

XXXV.

**ACT Anent burying in Scots Linnen.**

July 17. 1695.



OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, for the better improvement of the Manufactory of Linen within the Kingdom, and restraining the Import of all Forraign Linnen, Doth hereby ratify and Approve the sixteenth *Act* of the Parliament 1686. Intituled, *Act for burying in Scots Linnen*, in the hail Heads and Articles, thereof; Ordaining the same to be put to strict Execution in all Points, with this Addition, that none presume to cause bury any in *Scots Linnen*, in value above Twenty shilling *Scots per Ell*, under the same pains set down in the foresaid *Act* against burying in Forraign Linen: And for the better discovery of the said Transgression, and Execution of the foresaid *Act*, and the addition hereby made to it, His Majesty, with Consent foresaid, *Statutes and Ordains*, That the nearest Elder, or Deacon of the Parish, with one Neighbour or two, be called by the Persons concerned, and present to the putting of the dead Corps in the Coffin, that they may see the same done, and that the foresaid *Act*, with this present Addition is observed, and subscribe the Certificat, mentioned in the foresaid *Act*, and that whatever Relation, or other Friends of the Defunct present, and having the Charge of the burying, shall either fail in observing the foresaid *Act*, with this Addition, or to call the Elder or Deacon, with such Neighbours as may be Witnesses, or to send and give in the Certificat, appointed by the said *Act*, he or they shall be holden as Transgressours, and lyable in the Pains thereof; Which Pains are also hereby intirely applyed, and given to the Poor of the Parish: and any Elder or Deacon of the Parish is impowered to pursue for the same, for their use, nor shall any Pursuit for the said Fines be Advocat from the Inferiour Judge Competent, nor any Sift of Procces given; nor shall any Decreet therefore be Suspended, but upon Discharges or Confignation allanerly. And it is further hereby *Statute*, That it shall not be leilom to any person, to make or sew any sort of dead Linen, contrair to the foresaid *Act*, and this present Addition, under the pain of Fourty Merks *toties quoties*, for the use of the Poor, as said is.

XXXVI.



XXXVI.

*ACT Anent the Skinners.*

July 17. 1695.



OUR SOVERAIGN LORD the KINGS MAJESTY, with Advice and Consent of the Estates of Parliament, in pursuance of the many Good Acts made for the setting up, and maintaining of Manufactories, and particularly, of the Act 1661, Intituled *Act for Erecting of Manufactories*; and for the greater Incouragement of the Skinners of this Kingdom, towards the Improvement of the Native Commodities of Wild-Skins and Lamb Skins, and the Art of that Craft, Do hereby Discharge all and every Person whatsoever, Native or Stranger, to Export out of this Kingdom any Wild-Skins such as Wild-hyds, Doe and Roe, Roe and Roe-Buck, and Kids with the Hair upon them, until they be made in Work, or dressed Leather, to the good of the Kingdom. As also, His Majesty, with Advice and Consent foresaid, Discharges all and every Person, Native or Stranger, to import any Forraign made Gloves, of whatsoever sort, Certifying such as shall do in the contrair, either by Export or Import, as said is, that they shall not only forefault the foresaid Goods. Exported or Imported, or the just value thereof, the one half to His Majesty, and the other half to the informer, who shall prosecute the same before His Majesties Exchequer, but also be furdre lyable to such Pecunial Fines, or other Punishments, as the Lords of His Majesties Exchequer shall think fit to inflict: Declaring that this Act shall commence and take effect after the first day of *August* next to come, and empowering the said Skinners, and any Merchands, or any others concerned with concurrence of a Magistrat, to search for, and make seizure of the foresaid Goods hereby prohibited to be exported or imported. For the more effectual Execution of the Premises, and for the better improvement of the said Skins, Our Sovereign Lord, hereby Ratifies and Approves the Act made by the Convention of Burrows, anent the sufficiency of Skins, and Ordains the Magistrats of all Burghs to put the said Act to due execution in all Points. And lastly, it is hereby Declared, that the foresaid Act of Parliament, for Erecting of Manufactories, and any allowance that may be therein given, for the Manufacturing of the said Skins, shall be but prejudice to the Rights and Priviledges of the Craft and Incorporation of Skinners, in all, or any of the Burghs of this Kingdom.

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XXXVII:

XXXVII.

*ACT Anent the Justiciary of the Highlands.*

July 17. 1695.



UR SOVERAIGN LORD Considering, That there was an Act of Parliament, made in the year 1693, for the Justiciary in the *Highlands*; Declaring, That His Majesty, by vertue of His Prerogative Royal, might grant Commissions of Justiciary for the said Bounds, with all Power, necessary and usual: Excepting thence, from the Bounds lying withing the Heretable Right of Justiciary General, pertaining to the Earl of *Argile*, or any other Person, providing nevertheless that the foresaid Persons, whose bounds were

excepted, should for the space of two years, be obliged to grant Commissions to the same persons, whom it should please His Majesty to Commissionat for their saids Bounds and Lands, which two years being now near expired, and it being necessary that the foresaid Commissions, after their expiration should be renewed: Therefore His Majesty, with Advice and Consent foresaid, Does hereby prorogate the foresaid Provision, to the effect, and in the Terms aftermentioned, *viz.* That when the Commissions are granted by His Majesty, for the necessary repressing of the Depredations and Robbries, so frequently committed in the *Highlands*, for the saids Bounds not above excepted, the foresaid Persons having Right to the said Heretable Justiciaries General, shall Grant ample Commissions for their respective Bounds at the same time, and to the same persons (at least to so many of them as are willing to Act, by vertue of the saids Justiciaries Commissions) to the effect the saids Commissioners, acting unanimously, within any part of the whole foresaid Bounds the said Crimes may be the more effectually punished and restrained, and that these Commissions may, and shall be granted, as said is for the space of three years; which is to begin after the present Commission granted by His Majesty is expired: Which Commissions shall continue all Powers necessary and usual in Commissions of Justiciary, without prejudice always to the whole foresaid Persons, and Lords of Regality, and all others of their severall respective Rights and Jurisdictions, and also reserving the Right of Prevention, and Right of Casualties and Escheats, in manner provided in the said Act.

XXXVIII.



XXXVIII.

*A C;T Concerning the Dividing of Commonties.*

July 17. 1695.



UR SOVERAIGN LORD,  
With Advice and Consent of the  
ESTATES OF PARLIAMENT,  
for preventing the Discords that arise  
about Commonties, and for the more  
easie and expedit Deciding there-  
of, in time coming, *STATUTES*  
and *ORDAINS*, That all Com-  
monties, Excepting the Common-  
ties belonging to the *KING* and  
*Royal-Burrows*; that is, all that be-  
longs to His *MAJESTY* in Pro-  
perty, or *Royal-Burrows* in Bur-  
gage, may be divided at the instance  
of any having Interest, by Sum-  
mons raised against all Persons con-

cerned, before the Lords of Session, who are hereby impowered to dis-  
cuss the Relevancy, and to determine upon the Rights and Interests of  
all Parties concerned, and to value and divide the same, according to  
the value of the Rights and Interests of the severall Parties concerned,  
and to grant Commissions to Sheriffs, Stewarts, Baillies of Regality and  
their Deputs, Justices of Peace, or others, for perambulating and taking  
all other necessary Probation, which Commissions shall be reported to  
the saids Lords, and the said Processes ultimatly Determined by them,  
And where Mosses shall happen to be in the said Commonties, with pow-  
er to the saids Lords, to divide the saids Mosses, amongst the severall  
Parties having Interest therein, in manner foresaid; or in case it be in-  
structed to the said Lords, that the said Mosses cannot be conveniently  
divided, His *MAJESTY*, with Consent foresaid, *Statutes and Declares*,  
that the said Mosses shall remain Common, with free Ish and Entry there-  
to, whether divided or not, Declaring also, that the Interest of the He-  
retors, having Right in the said Commonties, shall be esteemed according  
to the Valuation of their respective Lands or Properties, and which di-  
visions are appointed to be made, of that part of the Commonty that is  
next adjacent to each Heretors Property.

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XXXIX.

XXXIX.

*ACT Discharging the Venting of Rum.*

July 17. 1695.



OUR SOVERAIGN LORD Considering, that the Brandy commonly called Rum made of Molossus, does hinder the consumption of Strong-Waters made of Malt, which is the Native Product of this Kingdom: As also, that the said Rum is rather a Drug than Liquor, and highly prejudicial to the Health of all who drink it. Therefore His Majesty with Advice and Consent of the Estates of Parliament, Prohibits and Discharges the making of Rum, except allanerly for Export: Certifying the Contraveeners, that they shall lose & admit their Priviledges granted to them as Manufactories, and be otherways punished as the Lords of Privy Council think fit.

XL.

*ACT anent Letters Passing the Signet.*

July 17. 1695.



OUR SOVERAIGN LORD with Advice and Consent of the Estates of Parliament, for Reviving and Preserving the good order that ought to be kept in the Passing of Writs under the Signet, Statutes and Ordains, that all Writs Passing under the Signet, called the Signet of the Lords of Session, be Subscribed by a Writer as Clerk to the said Signet: Excepting allanerly here-from, Letters of Diligence in Proccesses before the Session, and Letters of Citation before the Parliament, which are to be subscribed by the Clerks of Session. And His Majesty with Advice foresaid, prohibits the Keeper of the said Signet, to affix the same to any Letters not subscribed as above, any Custom or Practice in the contrary notwithstanding, and that as he will be answerable upon his peril.

XLI.



## XLI.

*ACT Anent Executry and Moveables.*

July 17. 1675.



OUR SOVERAIGN LORD Considering, that the Law is Defective, as to the Affecting with Legal Diligence, the Moveable Estate which pertained to a Defunct, either for his own, or his nearest of Kins Debt, in such manner as a Defuncts heretage, may be affected by Charging to enter Heir in the known manner : Doth therefore, with Advice and Consent of the Estates of Parliament, Statute and Ordain, that in the case of a Moveable Estate left by a Defunct, and falling to his nearest of Kin, who lyes out, and doth not confirm, the Creditors of the nearest of Kin, may either require the Procurator-Fiscal to Confirm and Assign to them, under the Peril and pain of his being lyable for the Debt, if he refuse ; or they may obtain themselves Decerned Executors Dative to the Defunct, as if they were Creditors to him ; With this Provision always, that the Creditors of the Defunct, doing Diligence to affect the said Moveable Estate within year and day of their Debtors Decease, shall always be preferred to the Diligence of the said nearest of Kin. And it is further Declared, that in the case of any Depending Cause or Claim against a Defunct the time of his Decease, it shall be Leisum to the Pursuer of the said Cause or Claim, to Charge the Defuncts nearest of Kin to Confirm Executor to him within twenty days after the Charge given, which Charge so execute, shall be a Passive Title against the person Charged, as if he were a Vicious Intromettor, unless he Renunce, and then the Charger may proceed to have his Debt constitute, and the *Hereditas Jacens* of Moveables Declared lyable by a Decreet *Cognitionis Causa*, upon the obtaining whereof, he may be Decerned Executor Dative to the Defunct, and so affect his Moveables in the common Form.

## XLII.

**ACT** *Allowing the Adminsistrators of the Common Good of Burrows, to Adventure their Stocks, or any part thereof, in the Company of Forraign Trade.*

July 17. 1695.



OUR SOVERAIGN LORD with Advice and Consent of the Estates of Parliament, for the Encouragement of the Undertakers for Forraign Trade, conform to an Act made in their Favours in this present Session of Parliament, Intituled, *Act for a Company Tradeing to Affrica and the Indies*, doth hereby Statute and Declare, that it shall be leifum to the Magistrates and others, the Administrators of the Common Good of Burghs; As also, to the Deacon, Masters, and other Administrators whatsoever of any Incorporation, or Body, or Company Incorporat, or Collegiat within this Kingdom, to Adventure and put in Money belonging to their respective Administrations, for a share and Part to be Purchased to the said s Burghs and Incorporations in the said Company mentioned in the said Act bearing the name of the Company of *Scotland Trading to Affrica and the Indies*, in the Manner and in the Terms provided within the said Act and that their putting in the Money of the said Burghs, Incorporations, under their Care and Charge, and Adventuring the same in the said Company shall be repute and held for a Deed of lawful Administration, and though the Successe and Event thereof, should happen not to be prosperous, yet it shall never be construed to be a Deed of Lefion against the said Administrators, but their acting in this behalf, is hereby Declared to be Lawful and Warrantable, for the security of the fore-said Persons in all Events.

## XLIII.

**ACT** *Anent the Poor.*

July 17. 1695.



OUR SOVERAIGN LORD with Advice and Consent of the Estates of Parliament, doth hereby Ratifie, Approve, and revive all Acts of Parliament, and Acts and Proclamations of Council, for mantaining of the Poor and Repressing of Beggars, and Ordains them them to be put to Vigorous Execution in all points. And further Impowers the Lords of His Majesties Privy Council, to take the most effectual, Course to make the said Acts and Proclamations effectual, conform to the true Design thereof.

## XLIV.



## XLIV.

*ACT Salvo Jure Cujuslibet.*

July 17. 1695.



UR SOVERAIGN LORD Considering, That there are several Acts and others past and made in this Session of Parliament, in favours of particular persons, without Calling or Hearing of such as may be thereby Concerned and prejudged. Therefore His Majesty, with advice and Consent of the Estates of Parliament, *Statutes and Ordains*, That all such particular Acts and others past in manner foresaid, shall not prejudice any Third Party, of their lawful Rights, nor of their Actions and Defences competent thereupon, before the making of the said particular Acts; And the Lords of Session, and all other Judges within this Kingdom, shall be obliged to judge betwixt Parties, according to their several Rights standing in their persons, before the making of the said Acts; all which are hereby Exponed and Declared to have been made *Salvo Jure Cujuslibet*.

## XLV.

*ACT of Adjournment.*

July 17. 1695.



HE KINGS MAJESTY Declares this Parliament currant, and Adjourns the same to the seventh Day of *November*, next to come; Ordaining all Members of Parliament, Noblemen, Commissioners from Shires and Burghs, and all others having Interest, to Attend at *Edinburgh* that Day, at Ten a Clock; and that there be no new Elections in Shires or Burghs, except upon the Death of any of the present Commissioners.

*Collected and Extracted from the Registers or Records of Parliament, by*

**TARBAT, Cls. Registri.**

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 Recommendation in favours of Sir *Colin Campbell* of *Abberuchil*.  
 Recommendation in favours of *Duncan Forbes* of *Culloden*.  
 Recommendation in favours of the Children of the first and second Marriage of Sir *Andrew Dick*.  
 Recommendation in favours of *Elizabeth Duncan* and her Son.  
 Recommendation in favours of Mrs. *Gillespy*.  
 Recommendation in favours of Captain *Walter Lockhart* of *Kirkcubbin*.  
 Remit Mr. *James Daes* and *James Hay* of *Carribber* to the Session.  
 Act and recommendation in favours of *James Bain*.  
 Remit in favours of *James Crawford* of *Montquhunny*, Sir *Thomas Kennedy*, and others,  
 Recommendation in favours of the Laird of *Kilmaronock*.  
 Remit in Favours of the Laird of *Glenkindy* and Sir *Adam Blair*.  
 Remit Mr. *Alexander Higgins* and *John Callender*.  
 Act in Favours of *George Baillie* of *Fervismood*.  
 Recommendation in Favours of *William Boig*.  
 Recommendation in Favours of the Laird of *Culbin*.  
 Order the City of *Edinburgh* and the Laird of *Comistoun*.  
 Act in Favours of the Laird of *Langtoun*.  
 Act in Favours of *William Beatty*.  
 Recommendation in Favours of the Burgh of *Fortross*.  
 Recommendation in Favours of *John Spotswood*.  
 Decreet in Favours of Mrs. *Lilias Stuart*.  
 Act in Favours of *James Curry* late Provost of *Edinburgh*.  
 Act in Favours of Comb-makers.  
 Act in Favours of *Alexander Fairn*.  
 Act in Favours of *William Scot* and *John Heislop*.  
 Act anent the Earl of *Broadalbane*.  
 Recommendation in Favours of the Macers and Keepers of the Parliament-House.  
 Act in Favours of *Robert Douglass*.

Act in Favours of *John Adair* and Captain *Slezer*.  
 Act in Favours of *Whitefield Heyter*, and others.  
 Act in Favours of the Heirs of *Tailzie of Mauldsly*.  
 Act for erecting a publick Bank.  
 Act in Favours of the Burgh of *Dysert*.  
 Act in Favours of the Burgh of *Culross*.  
 Acts for several Fairs and Weekly Mercats.  
 Act and Ratification in Favours of Sir *John Hall* of *Dunglass*.  
 Ratification in Favours of the Chyrurgions and Chyrurgion-Apothecaries  
 of *Edinburgh*.  
 Protestation the Town of *Edinburgh* against the same.  
 Ratification in Favours of the Nine Trades of *Dundee*.  
 Protestation the Walkers and Litsters of *Dundee* against the same.  
 Ratification in Favours of the Burgh of *Breichen*.  
 Ratification in Favours of the Candlemakers of *Edinburgh*.  
 Ratification in Favours of the Walker and Litsters of *Dundee*.  
 Protestation the Town and Trades of *Dundee* against the same.  
 Ratification in Favours of *Alexander Spittel* of *Leuchit*.  
 Ratification in Favours of the Pirivig-makers of *Edinburgh*.  
 Ratification in Favours of *James Lindsay* of *Dovehill*.  
 Ratification in Favours of the Cowpers of *Glasgow*.  
 Protestation the Town of *Glasgow* against the same.  
 Ratification in Favours of *William Fairly* of *Brunsfeld*.  
 Ratification in Favours of the Laird of *Rowallan*.  
 Ratification in Favours of Sir *William Stuart* of *Castle-milk*.  
 Ratification in Favours of the Viscount of *Tarbat*.  
 Protestation the City of *Eainburgh* against the same.  
 Ratification in Favours of Sir *James Falconer* of *Phesdo*.  
 Ratification in Favours of *VWilliam Cunninghame* Brother to *Gilbertfield*,  
 of the Lands of *Kilbryde*.  
 Ratification in Favours of *James Turner*.

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F I N I S.

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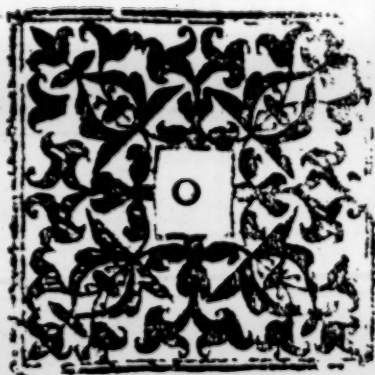


These are *Allowing* the two *Acts*, past in *Parliament* on the twenty second Day of *July*, One thousand six hundred and ninety Years, in Favour of *Sir Patrick Home* of *Polwarth*. now *Lord Polwarth*, to be Printed,

*TARBAT*, Cls, Registris.

**ACT** *Rescinding the Forefaulture of Sir Patrick Home of pollwarth.*

*Edinburgh July 22. 1690.*



UR SOVERAIGN LORD and LADY the KING and QUEENS Majesties, and the ESTATES of PARLIAMENT Considering, That the Meeting of the ESTATES of this Kingdom, In the Claim of Right, Dated the Eleventh of *April*, One thousand six hundred eighty and nine years, Have declared, that the causing Pursue and Forefault Persons upon weak or frivolous Pretences, or upon lame and defective Probation, is contrary to Law

And also, that all Forefaultures are to be considered, and the Parties lased to be redressed; And having considered the Proceſs of Forefaulture led and deduced before the Three Estates of Parliament, upon the twenty second of *May*, One thousand six hundred eighty and five years, against *Sir Patrick Home* of *Polwarth* in absence, with the Decreet and Doom of Forefaulture following thereupon, and that the pretences insisted upon in the said Proceſs of Forefaulture, against the said *Sir Patrick Home*, viz. His meeting with the Deceast *Mr. Robert Martine*, and other Persons at the Places therein Lybelled, and discoursing with them of the extream Hazard that threatned the Protestant Religion, the Laws and Liberties of this Kingdom; in case *James* then Duke of *York* would succeed to the Crown, and of the Ways and Methods then talked of in *England*, and such as might be taken in *Scotland* for preventing the same, and for his exclusion from Succession to the Crown; are weak and frivolous Pretences, to infer the Crime of Treason: As likewise, that the probation was lame and defective, seing it did consist of the Depositions, and Testimonie<sup>s</sup>

monies of Persons, who a little before had been accused of the same pretended Crimes, and who, after submission made, and when their Lives and Fortunes were at the late Kings Mercy; had predetermined themselves by their Confessions and Depositions then emitted; For albeit they were secured, as to their Lives, when they deponed before the Parliament, yet they having emitted their Declarations, when they were under the fear and apprehension of being Forefaulted themselves, and when they renewed their Confessions before the Parliament, they could make no alteration, unless they had declared themselves to be perjured, they having only adhered to the very same Testimonies formerly emitted by them except the Earl of Tarras, who depones of new, and not upon his Declaration formerly emitted, but proves nothing against the said Sir Patrick Home. And also considering, that there is nothing proven by the Witnesses, *in habile*, as they were against the said Sir Patrick, of his being upon, or privy to any design or Contrivance against the Person and Life of King Charles the Second, and that the Testimonies do not concur and agree in any particular Fact, which by the Common Law or Custom could infer the Crime of Treason against the said Sir Patrick. And likewise having considered the Act of Adjournal of the Justice Court of the date the                      day of                      One thousand six hundred eighty                      years, upon which the said Sir Patrick Home was denounced Fugitive, for not compearance; and that there was no relaxation raised, until a few days before the dyet of Compearance in Parliament, though neither he had the offer of an Indemnity, nor was for the time in open Rebellion, so that he had not *tutus accessus*, and that the saids pretended Crimes, libelled in the said Act of Adjournal, are the same contained in the forsaid Sentence of Forefaulture before the Parliament. Therefore Their Majesties, with Advice and Consent of the Estates of Parliament, Do hereby, by way of Justice Rescind, Retrait, Cass, and Annull, the forsaid Decreet, and Sentence of Forefaulture, pronounced against the said Sir Patrick Home, and all Gifts of Forefaulture, if any be granted, by the late King James, of the said Sir Patrick his Estate, or any part thereof, to any Person or Persons whatsoever: And the foresaid Act of Adjournal, withall that has followed, or may follow thereupon: And declares the said Decreet and Sentence of Forefaulture, and Act of Adjournal to have been from the beginning, to be now, and in all time coming void, null, and of no avail, force, strength nor effect: and restores the said Sir Patrick Home, his Children and Posterity against the same, *in integrum*; and Rehabilitating them to their Blood-right, and Benefit of Succession, Name and Fame, sick-like, and as freely in all respects, as if the said Decreet and Doom of Forefaulture had never been given, nor pronounced. Rescinding hereby the Act of Annexation of the said Sir Patrick, his Estate to the Crown; and dissolving the same the *retrae*. As also, Their Majesties, with Consent foresaid, Decerns and Ordains, all the Intrometters with the Lands, Rents, Goods and Gear, or other Estate, moveable or immoveable, pertaining and belonging to the said Sir Patrick Home, to be lyable for, and refund the same to him, his Heirs, Executors or Assignes, and that Letters may be direct



direct for that effect in Form as effeirs. And their Majesties, and Estates of Parliament, *Statute and Ordain*, that this present Act shal have full force, strength, and effect of a publick Law, in favours of the said Sir Patrick Hume, and others aforesaid. And it is hereby Declared, That this present Act is, and shall be understood to be excepted from the Act *Salvo Jure* to be past in this present Parliament.

## *ACT Dissolving Sir Patrick Hume of Polwarth his Estate from the Crown.*

July 22. 1690.



Orasmuch as, by an Act and Sentence of this present Parliament, the Doom and Sentence of Forefaulture, pronounced *in anno* One thousand six hundred eighty and five, against Sir Patrick Hume of Polwarth, is *ex Justicia*, Reduced and Rescinded: and that by an Act of the Sixteenth of June, One thousand six hundred eighty and five, the Estate and Lands belonging to the said Sir Patrick Hume were formerly annexed to the Crown; which Act of annexation is now also by the said Act Reductive in his Favours, Rescinded, and declared void Therefore, and for the said Sir Patrick his more full and effectual Restitution, and without any derogation to the said Act Reductive, in his Favours but accumulating Rights to Rights, Our Sovereign Lord and Lady, the King and Queens Majesties, with Advice and Consent of the Estates of Parliament, have dissolved, and hereby dissolves from the Crown and patrimony thereof, the Lands and Barony of Polwarth, the Lands and Barrony of *Green-Law* and *Reid-path*, with the Right of Patronages, and whole pertinents thereof; And Lands of

with all other Lands, Rights and Estate, pertaining to the said Sir Patrick Hume and that in Favours of the said Sir Patrick himself, that he may bruick and enjoy the same as if he himself had never been Forefaulted, or as if the saids Lands and Estate had never been annexed. Declaring that this present Act shall have the strength and effect of a General Law and Act of Parliament; and shall be als valid and effectual to the said Sir Patrick, his Heirs and Successors, for their Security of the whole premisses, as any other Act of Dissolution made and enacted at any time bygone, in Favours of whatsomever Person: and conform to all the Conditions required by Law, in Acts of that Nature. And farder, that this present Act of Dissolution, is and shall be understood to be excepted from the Act *Salvo Jure*, to be past in this present Parliament.

*Extracted furth of the Records of Parliament, by George Viscount of Tarbat, Lord Mackleod and Castle-haven, &c. Clerk to the Parliament, and to His Majesties Councils, Registers and Rolls.*

